

NOTE

This Microfiche meets the quality requirements of the American National Standard for Microfiche of Documents (ANSI PH5.9-1975). However, because of imperfections in the document from which it was made, it contains images that are illegible or difficult to read. The source document for this microfiche is the best copy that could be obtained prior to filming.



Congressional Information Service
Washington, D.C.

PUBLIC SAFETY ISSUES SURROUNDING MARIJUANA PRODUCTION IN NATIONAL FORESTS

JOINT HEARING
BEFORE THE
SUBCOMMITTEE ON
NUTRITION AND INVESTIGATIONS
AND THE
SUBCOMMITTEE ON
CONSERVATION AND FORESTRY
OF THE
COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY
UNITED STATES SENATE
ONE HUNDREDTH CONGRESS
SECOND SESSION
ON
THE DANGERS ASSOCIATED WITH MARIJUANA PRODUCTION IN THE
NATIONAL FORESTS

MAY 12, 1988

Printed for the use of the Committee on Agriculture, Nutrition, and Forestry



U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1988

88-679

For sale by the Superintendent of Documents, Congressional Sales Office
U.S. Government Printing Office, Washington, DC 20402

5161-3

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

PATRICK J. LEAHY, Vermont, *Chairman*

JOHN MELCHER, Montana
DAVID H. PRYOR, Arkansas
DAVID L. BOREN, Oklahoma
HOWELL HEFLIN, Alabama
TOM HARKIN, Iowa
KENT CONRAD, North Dakota
WYCHE FOWLER, Jr., Georgia
THOMAS A. DASCHLE, South Dakota
JOHN B. BREAUX, Louisiana

RICHARD G. LUGAR, Indiana
ROBERT DOLE, Kansas
JESSE HELMS, North Carolina
THAD COCHRAN, Mississippi
RUDY BOSCHWITZ, Minnesota
MITCH McCONNELL, Kentucky
CHRISTOPHER S. "KIT" BOND, Missouri
PETE WILSON, California
DAVID K. KARNES, Nebraska

CHARLES RIEMENSCHNEIDER, *Staff Director*

JAMES M. CUBIE, *Chief Counsel*

CHRISTINE SARCONI, *Chief Clerk*

CHARLES CONNER, *Staff Director for the Minority*

SUBCOMMITTEE ON NUTRITION AND INVESTIGATIONS

TOM HARKIN, Iowa, *Chairman*

JOHN MELCHER, Montana
DAVID H. PRYOR, Arkansas
JOHN B. BREAUX, Louisiana

ROBERT DOLE, Kansas
RUDY BOSCHWITZ, Minnesota
JESSE HELMS, North Carolina

SUBCOMMITTEE ON CONSERVATION AND FORESTRY

WYCHE FOWLER, Jr., Georgia, *Chairman*

HOWELL HEFLIN, Alabama

CHRISTOPHER S. "KIT" BOND, Missouri

CONTENTS

Hearing held on: May 12, 1988.....	Page 1
JOINT HEARING ON PUBLIC SAFETY ISSUES SURROUNDING MARIJUANA PRODUCTION IN NATIONAL FORESTS	
Harkin, Hon. Tom, a U.S. Senator from Iowa, opening statement.....	1
Prepared statement.....	3
Fowler, Hon. Wyche, Jr., a U.S. Senator from Georgia, opening statement.....	5
Prepared statement.....	7
Bond, Hon. Christopher S. "Kit", a U.S. Senator from Missouri.....	9
Prepared statement.....	11
McConnell, Hon. Mitch, a U.S. Senator from Kentucky.....	11
Prepared statement.....	13
CHRONOLOGICAL LIST OF WITNESSES	
Wyden, Hon. Ron, a Representative in Congress from the Fourth Congression- al District, State of Oregon.....	15
Prepared statement.....	18
Letter of Charles H. Turner, U.S. Attorney, District of Oregon, U.S. Department of Justice, dated February 2, 1988, to James F. Torrence, Regional Forester, Pacific Northwest Region, re: Forest Service agents' ability to investigate National Forest marijuana cultivation cases beyond the boundaries of the National Forest.....	20
Letter of James Turner, Fiscal and Public Safety Staff, Forest Service, U.S. Department of Agriculture, dated March 16, 1988, to Hon. Ronald L. Wyden, response to the request for information on environmental hazards associated with illicit cannabis cultivation in the National Forest System.....	22
Arnado, W.E. "Bill", Sheriff, Josephine County Sheriff's Office, letter of, dated May 11, 1988, to Bob Andros.....	24
Rice, William L., Deputy Chief for Administration, U.S. Forest Service, De- partment of Agriculture, accompanied by Cecil Wilson, Chief Law Enforce- ment Officer, and Frank G. Packwood, Special Agent, Shasta-Trinity National Forest, U.S. Forest Service, Redding, CA.....	33
How many States are there that, upon request of the Forest Service, will deputize State peace officers, Forest Service personnel, in order to legitimize them to do investigatory work?.....	39
How many aircraft does the Forest Service have for surveillance?.....	43
Prepared statement.....	50
Carmack, James, County Sheriff, Montgomery County, AR.....	59
Prepared statement.....	62
Burril, Les, Special Agent, USDA Forest Service, Chattahoochee and Oconee National Forest, Gainesville, GA.....	65
Prepared statement.....	68
Pepmiller, Nick, County Sheriff, Ripley County, MO.....	70
Packwood, Frank G., Special Agent, Forest Service, U.S. Department of Agri- culture, Shasta-Trinity National Forest, Redding, CA.....	71
Prepared statement.....	73
ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD	
Public Safety Issues Surrounding the Production of Marijuana in the Nation- al Forests.....	82
Map of reported relative cannabis cultivation occurrence, 1986.....	85
Campaign Against Marijuana Planting [CAMP] Facts About Cannabis and Marijuana.....	86

PUBLIC SAFETY ISSUES SURROUNDING MARIJUANA PRODUCTION IN NATIONAL FORESTS

THURSDAY, MAY 12, 1988

U.S. SENATE, SUBCOMMITTEE ON NUTRITION AND INVESTIGATIONS AND THE SUBCOMMITTEE ON CONSERVATION AND FORESTRY OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY,

Washington, DC.

The subcommittees met, pursuant to notice, at 9:07 a.m., in room SR-332, Russell Senate Office Building, Hon. Tom Harkin (chairman of the Subcommittee on Nutrition and Investigations) presiding. Hon. Wyche Fowler, Jr., chairman of the Subcommittee on Conservation and Forestry.

Present or submitting a statement: Senators Harkin, Fowler, Helms, McConnell, and Bond.

STATEMENT OF HON. TOM HARKIN, A U.S. SENATOR FROM IOWA

Senator HARKIN. The Senate Subcommittees on Nutrition and Investigations and Conservation and Forestry of the Committee on Agriculture, Nutrition, and Forestry will come to order.

Marijuana cultivation in the National Forest System is a growing problem. It is compounded by the discovery last year of 3 opium patches and 83 drug labs in the Forests. The reason we have convened this hearing is because of our concern for the safety of visitors to the National Forests and the employees of the U.S. Forest Service. Unwitting prey to these hazards in the National Forests are families, Scout groups, hunters, campers, and weekend tourists.

Last year the Forest Service declared 1 million acres of national forests off limits to the public because of the dangers associated with marijuana production in the forests. Even after removing lands from public access, the Forest Service received 400 reports of assaults or threats of bodily harm to visitors and employees. One hundred potentially lethal "booby traps" were found protecting the growers' illegal crops. Armed guards and attack dogs became commonplace to cultivation sites during September and October, increasing the threat to public safety.

The economics of marijuana production are staggering. In this room alone—in a patch of land the size of this room—a grower could produce \$400,000 worth of marijuana in just 3 to 4 months. It has been reported that marijuana is the number one cash crop on the west coast, and that much of this is grown in the National Forests. It is a well-known fact that the best marijuana money can buy

is grown in what's called the Emerald Triangle in northern California. Last year, the Forest Service destroyed an estimated 40 percent of the marijuana grown in the National Forests. That's about 450,000 plants so you can estimate that there's about 1 million plants now being grown in the National Forests. However, even with this destruction, arrests numbered less than 150. Less than 70 persons were sent to jail for more than 30 days and none for more than 2 years. Maximum fines cannot exceed \$50,000 to the marijuana grower. The potential rewards far exceed the risks.

We must protect our National Forest visitors, our Federal employees, and our public lands from this kind of abuse. The forests are the property of all Americans, and everyone should be able to enjoy them without the fear of being harmed or killed by illegal drug producers.

After our opening statements, the subcommittees will view a 15-minute videotape, entitled "Guardians of the National Forests." For those who are interested, this program will be shown in its entirety, 1 hour, next month on public television. Following the videotape, our principal witness from the Forest Service will be Mr. William Rice, Deputy Administrator. He will be followed by a panel of law enforcement officers from across the country who work in and around the National Forests. Mr. Rice will describe the problem the Forest Service is facing, what it is doing to eliminate or reduce the threats to public safety, and what obstacles the Forest Service faces in accomplishing this goal. Our law enforcement officers are here to relate their experiences in combating drug production in the forests and the related dangers to National Forest visitors and Forest Service employees as well. They will also tell us of the damage that drug production has wreaked on the environment—both to plants and wildlife.

I would like to express the subcommittee's appreciation to the Forest Service for its cooperation during our investigations. This investigation has been a bipartisan effort and I want to thank the minority for its support and cooperation as well.

I especially want to thank the GAO for their help in detailing Mr. Bob Andros to work in my office. He has been on this project for over a year. I also want to thank Cynthia Molina, our subcommittee clerk, who has also devoted a lot of time to this. And, of course, my deep appreciation to the chairman of the Subcommittee on Conservation and Forestry, Senator Wyche Fowler from Georgia; also for his interest and cooperation and help in trying to get to the bottom of this and trying to seek some solutions as to what we can do to put an end to this.

At this time I recognize Senator Fowler, my esteemed colleague, the chairman of the Subcommittee on Conservation and Forestry for his opening remarks.

[The prepared statement of Senator Harkin follows:]

OPENING STATEMENT OF SENATOR TOM HARKIN
JOINT HEARING OF THE SENATE AGRICULTURE SUBCOMMITTEE ON
NUTRITION AND INVESTIGATIONS AND THE SUBCOMMITTEE
ON CONSERVATION AND FORESTRY INTO THE
PUBLIC SAFETY ISSUES SURROUNDING THE PRODUCTION
OF MARIJUANA IN THE NATIONAL FORESTS
MAY 12, 1988

Cannabis (marijuana) cultivation in the National Forest System is a growing problem. It is compounded by the discovery last year of 3 opium patches and 83 drug labs in the Forests. The reason we have convened this hearing is because of our concern for the safety of visitors to the National Forests and employees of the U.S. Forest Service. Unwitting prey to these hazards in the National Forests are families, Scout groups, hunters, campers and weekend tourists.

Last year the Forest Service declared 1 million acres of National Forests off limits to the public because of the dangers associated with marijuana production in the Forests. Even after removing lands from public access, the Forest Service received 400 reports of assaults or threats of bodily harm to visitors and employees. 100 potentially lethal "booby traps" were found protecting the growers' illegal crops. Armed guards and attack dogs became commonplace to cultivation sites during September and October increasing the threat to public safety.

The economics of marijuana production are staggering. In this room alone a grower could produce \$400,000 worth of marijuana. It has been reported that marijuana is the number one cash crop on the west coast and that much of this is grown in the National Forests. In fact the best marijuana money can buy is grown in the Emerald Triangle in northern California. Last year the Forest Service destroyed an estimated 40 % of the marijuana grown in the National Forests. However arrests numbered less than 150. Less than 70 persons were sent to jail for more than 30 days and none for more than two years. Maximum fines cannot exceed \$50,000. To the grower the potential rewards far exceed the risks.

We must protect our National Forest visitors, our federal employees and our public lands from this kind of abuse. The forests are the property of all Americans and everyone should be able to enjoy them without the fear of being harmed or killed by illegal drug producers.

After our opening statements the Subcommittees will view a 15 minute videotape entitled "Guardians of the National Forests". For those that are interested, this program will be shown in its entirety (1 hour) next month on television. Following the videotape, our principal witness from the Forest Service will be Mr. William Rice, Deputy Administrator. He will be followed by a panel of law enforcement officers from across the country who work in and around the National Forests. Mr. Rice will describe the problem the Forest Service is facing, what it is doing to eliminate or reduce the threats to public safety and what obstacles the Forest Service faces in accomplishing this goal. Our law enforcement officers are here to relate their experiences in combating drug production in the forests and the related dangers to National Forest visitors and Forest Service employees as well. They will also tell us of the damage that drug production has wreaked on the environment - both to plants and wildlife.

I would like to express the Subcommittees' appreciation to the Forest Service for its cooperation during our investigations. This investigation has been a bipartisan effort and I want thank the minority for its support and cooperation as well.

STATEMENT OF HON. WYCHE FOWLER, JR., A U.S. SENATOR
FROM GEORGIA

Senator FOWLER. Mr. Chairman, I thank you for your kind words, and I thank you for your leadership and initiative in this public problem that has grown in its dimensions and in its danger, and which brings us to this investigation and this hearing seeking a remedy.

I would like to summarize my statement and then put the rest in the record.

As everyone here knows, our National Forests are one of this country's greatest public assets, for the use and enjoyment of all of our people.

But there are those, as Chairman Harkin just mentioned, who have appropriated the remote areas of our public forests for their own uses—chiefly for the cultivation of marijuana. This is not just an illegal activity, and an illegal usurpation of public resources for private ends. These marijuana growers present a serious danger to innocent Americans seeking to use our public lands for legitimate recreational purposes—and who happen to wander or hike into the domain of these criminal enterprises.

Unfortunately, our investigation has found that this is a widespread phenomenon—with marijuana cultivation existing in almost every National Forest—and the problem appears to be growing as more and more pot producers seek to avoid asset seizure laws that apply to land on which illegal drugs are produced.

Almost a million acres of National Forest land have been made unsafe, both for public use and public management by National Forest Service personnel. And as you will see in a few moments, these marijuana growers are protected by what can only be described as a Marquis de Sade torture chamber of devices intended to maim, cripple, or kill any intruders. Hunters and hikers have been injured in these booby traps. The growers also appear to be armed with the most advanced and deadly weaponry, from automatic submachine guns, which we will show, to anti-aircraft missiles, if you can believe that. And Forest Service personnel have actually been fired on by marijuana growers.

Communities in and near National Forests are disrupted by this illegal activity in the National Forests. Citizens who wander into the wrong area are threatened, intimidated, and often waylaid.

The drug barons are also suspected of waging war with each other, further endangering the public, and even setting fires to the National Forests to destroy competing crops. Growers also contaminate the fragile forest ecosystem with dangerous pesticides and fertilizers they use in their marijuana patches—and they destroy deer and other wildlife that might damage their plants.

The dangers they pose to our National Forests are complete. We have to remove their incentives from operating there. We have to find their patches and cut their production—to improve our law enforcement procedures and disrupt their traffic. We have to move the marijuana growers out and reclaim our National Forests for the Forest Service to manage them, and for the public to enjoy them—without fear of any runaway criminal element operating on public domain.

Again, Mr. Chairman, you are to be commended for the initiation of this investigation and your leadership. The horse is out of the barn, and now we've got to find the remedy to get it back in.

Thank you.

[The prepared statement of Senator Fowler follows:]

Public Dangers from Marijuana Cultivation in the National Forests

Hearing of the Forestry Subcommittee

Senator Wyche Fowler, Jr.

May 12, 1988

Our national forests are one of this country's greatest public assets, for the use and enjoyment of all our people. As our population grows and our cities expand, Americans rely more and more on our national forests as the only place people of modest means can experience the natural beauty of our woodlands, enjoy the great outdoors and teach their children the ways of nature.

However, there are those who have appropriated the remote areas of our public forests for their own uses -- for the cultivation of marijuana. This is not just an illegal activity, and an illegal usurpation of public resources for private ends. These pot growers present a serious danger to innocent Americans seeking to use our public lands for legitimate recreational purposes -- and who happen to wander into the domain of these criminal enterprises.

Unfortunately, this is a widespread phenomenon -- with marijuana cultivation existing in almost every national forest -- and the problem appears to be growing as more and more pot producers seek to avoid asset seizure laws that apply to land on which illegal drugs are produced.

Almost a million acres of national forestland have been made unsafe both for public use and public management by National Forest Service personnel. These marijuana gardens are protected by a Marquis de Sade torture chamber of devices intended to maim, cripple or kill intruders. Hunters and hikers have been injured in these booby traps. The growers also appear to be armed with the most advanced and deadly weaponry, from automatic submachine guns to anti-aircraft missiles. And Forest Service personnel have actually been fired on by marijuana growers.

Communities in and near national forests are disrupted by this illegal activity in the national forests. Citizens who wander into the wrong area are threatened, intimidated and waylaid.

The drug barons are also suspected of waging war with each other, further endangering the public, and even setting fires in the national forests to destroy competing crops. Growers also contaminate the fragile forest ecosystem with dangerous pesticides and fertilizers they use in their marijuana patches

-- and they destroy deer and other wildlife that might damage their plants.

The dangers they pose to our national forests are complete. We have to remove their incentives from operating there. We have to find their patches and cut their production -- to improve our law enforcement procedures and disrupt their traffic. We have to move the marijuana growers out and reclaim our national forests for the Forest Service to manage them, and for the public to enjoy them -- without fear of any runaway criminal element lurking in the trees.

Senator HARKIN. Thank you, Mr. Chairman.

I recognize our esteemed colleague from the State of Missouri wherein we do have National Forests also. And I know that Senator Bond has also been keenly interested in this problem, and has been helpful in promoting this investigation.

Senator Bond.

**STATEMENT OF HON. CHRISTOPHER S. "KIT" BOND, A U.S.
SENATOR FROM MISSOURI**

Senator BOND. Thank you very much, Mr. Chairman.

I sincerely and honestly commend you for calling this hearing and embarking on discussion of this area. It is customary in hearings to commend the chairman and say how important the issue is we're facing.

Unless you have used, been around, lived in or worked with National Forests, you don't really appreciate what a crisis we face. And I can say from personal experience that this is a very real and serious problem that confronts the public safety of all of us since it is the National Forests which have and are being used for this illegal production.

As Chairman Fowler has stated, this is not just a question of whether some illegal drugs are being produced, it is a question of life and limb for those who would wish to use what is a national treasure in our country, the National Forest Service System.

We have all been aware of the drug crisis in the United States which has shown little signs of diminishing. Not a day goes by that we don't hear some horror stories related to illegal drugs, and most of us tend to think of the drug murders in major cities. As Congress becomes more involved in ways of combating this crisis, we should not just focus on the danger of imported drugs. The magnitude of drug production within our Nation's boundaries is, and must be, a real concern for all of us. America's fight to control drugs must address both the source of production, as well as the demand for the final product.

It seems that there has been somewhat of a transition in recent years. We now hear more about cocaine and crack than we do about marijuana. Have we given up the fight against marijuana? I don't think so—but maybe we have shifted too much of our attention in our enforcement priorities to other drug activities.

As a former Governor of Missouri in years gone by, I've had to deal with many issues related to illegal drugs. There are many people who said, during my second term, that probably Ozark gold was our number one cash crop in Missouri. That's not something anybody could verify. They don't submit very good reports on the revenues. But, from our estimates, it was a serious problem. Efforts to eradicate illegal drugs, particularly marijuana, require an even greater cooperation and coordination between Federal, State and local officials.

We embarked on a major program in Missouri, the Bad Weed Program, to enlist citizens to identify and report suspected drug production sites or marijuana plants. We had the full cooperation of the Drug Enforcement Agency. We detailed some of the finest

personnel we have in the Missouri State Highway Patrol, and we worked very closely with dedicated local law enforcement officials.

I was very proud of their effort because they did make arrests. They did confiscate and burn marijuana plants. I participated in recognition ceremonies for the people engaged in that battle. At one of these, as a personal note I might add, in appreciation for the support of the program, they presented me with a baseball cap with "Bad Weed" and a circle drawn around it and a black line drawn through it. And I thought this was a great symbol of the people who were engaged in the fight.

Several weeks later, my wife and I, with some other friends were going on a fishing trip in one of our beautiful National Forests. Our law enforcement friends urged me—matter of fact, they told me not to wear that cap in the National Forest because there were those who might not take the joke. They may not feel that the bad weed eradication effort was a good idea.

As a result, obviously I did not. And the problem to those of us who are casual visitors may be one of a temporary fear. But to those who live near National Forests, it can be a daily life threatening experience.

As we noted earlier, it used to be that marijuana growers generally used their own land and facilities. However, increased enforcement and changes allowing the seizure of personal assets and land have forced many growers onto public lands in record numbers. Today's growers have become skilled agronomists, utilizing the latest in fertilization and irrigation technologies. These advances have also made the growers more protective of their investments. I share the very real concern of this committee as to how the aggressive nature of today's growers will affect the safety of those utilizing public recreation areas.

Mr. Chairman, I would like to be able to say that, as a result of our efforts, the National Forests in Missouri are free of marijuana production, but we frankly can't make that statement. As we will learn later this morning from Sheriff Nick Pepmiller, a representative of Missouri's drug enforcement efforts, we too have a significant problem on our hands. In 1985, approximately 54,000 marijuana plants were destroyed in Mark Twain National Forest. These were not grown in small plots, dispersed throughout the forest, but they were large plots, cultivated with heavy farm machinery. As you might guess, drug enforcement authorities quickly put a stop to this blatant abuse. However, since that time, growers have gone deeper into the forest and cultivated many smaller plots.

It was brought to my attention recently that the USDA actually published a brochure in the 1920's which provided information on how to grow marijuana, although for a different use. It is somewhat ironic that today we must seek a commonsense solution to reversing the trend of producing marijuana in our National Forests. The witnesses for this morning's hearing bring a wealth of firsthand information on the subject and I am anxious to hear their thoughts on how we can assist them in their eradication efforts.

I thank you, and again commend you for holding this hearing.
[The prepared statement of Senator Bond follows:]

PREPARED STATEMENT OF HON. CHRISTOPHER S. "KIT" BOND, A U.S. SENATOR FROM
MISSOURI

STATEMENT OF SENATOR CHRISTOPHER S. BOND (R-MO.) BEFORE THE SUBCOMMITTEES ON
AGRICULTURAL RESEARCH AND GENERAL LEGISLATION AND CONSERVATION AND FOR-
ESTRY—THURSDAY, MAY 12, 1988, 9 A.M.

We are all aware that the United States has become embroiled in a drug crisis which shows little sign of improvement. Not a day goes by that we don't hear horror stories related to illegal drugs. As Congress becomes more involved in ways to combat this crisis, we must not underestimate the magnitude of drug production within our Nation's boundaries. America's fight to control drugs must address both the source of production as well as the demand for the final product.

It seems that there has been somewhat of a transition of the past few years. We now hear more about cocaine and crack than we do about marijuana. Have we given up the fight against marijuana? I don't think so—but maybe we have shifted our enforcement priorities to other drug activities.

As a former Governor, I have dealt with many issues related to illegal drugs. In fact, some people used to refer to Ozark Gold as Missouri's largest cash crop. While I cannot verify this, I can say that efforts to eradicate the production of illegal drugs, such as marijuana, will require the cooperation and coordination of both State and Federal authorities.

It used to be that marijuana growers generally used their own land and facilities. However, increased enforcement and changes allowing the seizure of personal assets have forced growers onto public lands in record numbers. Today's growers have become skilled agronomists, utilizing the latest in fertilization and irrigation technologies. These advances have also made the growers more protective of their investments. I share the Committee's concern on how the aggressive nature of today's growers will affect the safety of those utilizing public recreation areas.

Mr. Chairman, I would like to say that Missouri's National Forests are free of marijuana production. Unfortunately, I can't make that statement. As we will learn later this morning from Mr. Nick Pepmiller, a representative of Missouri's drug enforcement efforts, we too have quite a significant problem on our hands. In 1985, approximately 54,000 marijuana plants were destroyed in Mark Twain National Forest. These were not grown in small plots dispersed throughout the forest but large plots cultivated with heavy farm machinery. As you might guess, drug enforcement authorities quickly stopped this blatant abuse. However, since that time growers have gone deeper into the forest and cultivated many small plots.

It was brought to my attention recently that USDA actually published a brochure in the 1920's which provided information on how to grow marijuana, albeit for a different use. It is somewhat ironic that today we must seek a commonsense solution to reversing the trend of producing marijuana in our National Forests. The witnesses for this morning's hearing bring a wealth of firsthand information on the subject and I am anxious to hear their thoughts on how we can assist them in their eradication efforts.

Senator HARKIN. Thank you very much, Senator Bond, and I again thank you and your staff for your help in this investigation.
Senator McConnell.

STATEMENT OF HON. MITCH McCONNELL, A U.S. SENATOR FROM
KENTUCKY

Senator McCONNELL. Thank you, Mr. Chairman.

I also want to thank you for having this hearing today and for allowing me the opportunity to join you this morning. Though I am not a member of either subcommittee, you have chosen a subject for review which is of serious importance to my home State of Kentucky. I welcome, Mr. Chairman, this opportunity to listen to the testimony our witnesses will provide, as well as some of the thoughts of my colleagues on ideas on how to address the problem of marijuana production in our National Forests.

Everyone here today, I am sure, would agree with me that drug abuse is one of the most serious and pressing issues this Nation

confronts. It's quite disturbing that one of the battlegrounds in the war against drugs is our own public lands. The U.S. Forest Service has found itself harboring over 20 percent of the Nation's marijuana production, and confronting increasingly more violent individuals who cultivate and harvest their crop.

The problem in Kentucky, while perhaps not as big a challenge as exists in other parts of the country, is nonetheless acute. Over one-half of the marijuana located and destroyed in the South last year came from Kentucky's Daniel Boone National Forest—70,000 plants. In part, this is a testimony to the vigilance and the skill of the personnel in the Daniel Boone National Forest. It is also a stark indication of the magnitude of the problem for Kentucky. With the increased cultivation has come a host of other problems. Violence toward Forest Service employees or visitors who unwittingly stray too near a strand of marijuana has become commonplace. Some 400 incidents of violence by suspected marijuana producers occur each year in National Forests. The Daniel Boone National Forest currently spends 68 percent of its visitor protection and cooperative law enforcement budgets on antidrug activities. As the stakes get higher, the growers get more serious, and some have been found with armaments which range from anti-aircraft weapons to Uzis and AK-47's. These people mean business, and we must respond to the challenge they represent in an equally serious and deliberate manner.

Mr. Chairman, I would offer just a few thoughts on what I think should be done to enhance our efforts in this particular area. To begin with, I believe we should reinforce efforts at cooperation between the U.S. Forest Service and all Federal and State agencies, as well as local governments. Forest Service jurisdiction on drug-related matters stops at the forest boundary. This necessitates a close link between all elements involved in the war on drugs, if our efforts are to be legitimate.

We must bolster visitor protection and cooperative law enforcement budgets to give these people the personnel and resources to effectively ensure the safety of visitors to the National Forests. We must provide them with the means of controlling marijuana production and apprehending those involved.

Further, we must stiffen penalties against those convicted of marijuana production. Jail sentences and financial penalties must be more in line with the economic incentive to produce in order for the threat of apprehension and prosecution to be a legitimate deterrent.

I would add one final note. Our commitment should be long term. Should our interest and support wane after the cameras are turned off, we only make things worse for those out in the field working to contain and apprehend those violating the law. We bolster the confidence of those who grow and profit from these illegal activities if we, in later years, change our priorities and lose sight of the seriousness of the threat they pose.

So, Mr. Chairman, I thank you for the opportunity to be here today and look forward to hearing the testimony.

[The prepared statement of Senator McConnell follows:]

STATEMENT OF SENATOR MITCH McCONNELL
HEARING ON PUBLIC SAFETY ISSUES SURROUNDING MARIJUANA PRODUCTION IN
NATIONAL FORESTS
MAY 12, 1988

Mr Chairman:

I want to thank you for allowing me the opportunity to join you this morning. Though I am a member of neither subcommittee, you have chosen a subject for review which is of serious importance to my home state of Kentucky. I welcome this opportunity to listen to the testimony our witnesses will provide, as well as some of the thoughts of my colleagues on ideas on how to address the problem of marijuana production in our National Forests.

Everyone here today I am sure would agree with me that drug abuse is one of the most serious and pressing issues this nation confronts. It is quite disturbing that one of the battlegrounds in the war against drugs is our own public lands. The U.S. Forest Service has found itself harbouring over 20% of the nation's marijuana production and confronting increasingly more violent individuals who cultivate and harvest their crop.

The problem in Kentucky, while perhaps not as big a challenge as exists in other parts of the country, is nonetheless acute. Over one half of the marijuana located and destroyed in the South last year came from Kentucky's Daniel Boone National Forest--70,000 plants. In part this is a testimony to the vigilance and the skill of the personnel in the Daniel Boone National Forest. It is also a stark indication of the magnitude of the problem for my state.

With the increased cultivation has come a host of other problems. Violence towards Forest Service employees or visitors who unwittingly stray too near a stand of marijuana has become a commonplace. Some 400 incidents of violence by suspected marijuana producers occur each year in National Forests. The Daniel Boone National Forest currently spends 68% of its visitor protection and cooperative law enforcement budgets on anti-drug activities. As the stakes get higher, the growers get more serious, and some have been found with armaments which range from anti-aircraft weapons to Uzis and AK-47's. These people mean business, and we must respond to the challenge they represent in an equally serious and deliberate manner.

I would offer just a few thoughts on what I think should be done to enhance our efforts in this area. To begin with, I believe we should reinforce efforts at cooperation between the U.S. Forest Service and all federal and state agencies as well as local governments. Forest Service jurisdiction on drug related matters stops at the forest boundary. This necessitates a close link between all elements involved in the war on drugs, if our efforts are to be legitimate.

We must bolster visitor protection and cooperative law enforcement budgets to give these people the personnel and resources to effectively ensure the safety of visitors to the National Forest. We must provide them with the means of controlling marijuana production, and apprehending those involved.

We must stiffen penalties against those convicted of marijuana production. Jail sentences and financial penalties must be more in

line with the economic incentive to produce in order for the threat of apprehension and prosecution to be a legitimate deterrent.

I would add a final note. Our commitment should be long-term. Should our interest and support wane after the cameras are turned off, we only make things worse for those out in the field working to contain and apprehend those violating the law. We bolster the confidence of those who grow and profit from these illegal activities if we, in later years, change our priorities and lose sight of the seriousness of the threat they pose.

I thank the members of the Subcommittee on Nutrition and Investigations, and the Subcommittee on Conservation and Forestry for allowing me to join them. I commend you for your attention to this most important matter, and I look forward to the testimony of our witnesses.

Senator HARKIN. Thank you, Senator McConnell.

Respectful of the time of most Members of this body and the other body, I would, before we get on with the film, I would like to welcome the distinguished Congressman from the State of Oregon, who again has been involved in the investigation and in ferreting out information on the extent of the problem of growing marijuana in our National Forests.

His State is perhaps impacted about as greatly as any State in the United States, and we welcome him here.

Congressman Wyden, the distinguished Congressman from the State of Oregon, without objection, your prepared testimony will be made a part of the record in its entirety, and we would ask you to please proceed as you so desire.

STATEMENT OF HON. RON WYDEN, A REPRESENTATIVE IN CONGRESS FROM THE FOURTH CONGRESSIONAL DISTRICT, STATE OF OREGON

Mr. WYDEN. Thank you very much, Mr. Chairman. I want to thank you and your staff for your graciousness in letting me participate.

You are absolutely right. This is a problem of staggering proportions in Oregon and other parts of the West where our climate is well-suited to the growing of marijuana.

Mr. Chairman, the reason I wanted to come today is that I have introduced the National Forest System Drug Enforcement and Protection Act which would give additional authority to the U.S. Forest Service to fight drug crimes that begin on Federal forest lands.

It's my view, Mr. Chairman, that the Forest Service is doing a tremendous job with the tools that it has. The fact of the matter is that the Congress has not given them the tools that they need to comprehensively go after this scourge, and that's what my legislation seeks to do.

Right now, marijuana cultivation is a felony offense punishable by 10 years in Federal prison and a \$10,000 fine. Forest Service agents are authorized to go after these criminals—but only as long as they remain within the boundaries of the Federal forests. So what you have is a situation where a major drug crime can originate in the forest and then move slightly off the Forest Service land, and our Forest Service people can't go after them. We're cutting them off from the tools they need to do this job properly.

The U.S. Attorney in Oregon, Mr. Charles Turner, points out in a letter to the Regional Forester, and I quote here, "The inability of Forest Service law enforcement agents to investigate marijuana cultivation ventures beyond the National Forest boundary poses a major obstacle to the successful investigation and prosecution of such cases."

Mr. Turner goes on to say that under current law, Forest Service personnel are hampered in terms of "surveillance of vehicles and persons going from marijuana plots in the forests to processing and distribution centers elsewhere." They are hampered in terms of "execution of search warrants." They are hampered in terms of "follow-up interviews of people with information about these crimi-

nal ventures." They are hampered in terms of "subpoenaing witnesses before the Grand Jury," and finally in "analyzing relevant documentary evidence."

Mr. Chairman, because Mr. Turner's letter so well highlights the problems under existing law for our Forest Service, I would ask, with your permission, that the letter be made a part of the record.

Senator HARKIN. Without objection.

[The letter of Charles H. Turner, U.S. Attorney from Oregon can be found on p. 20.]

Mr. WYDEN. Mr. Chairman, under my legislation, we would specifically lift these restrictions on the Forest Service, and grant their specially trained agents the power to arrest, conduct investigations, searches and seizures off the National Forest land if the drug crime originates on Federal System land.

In addition, my bill would enhance Forest Service cooperation with the State and local law enforcement efforts, and I agree wholeheartedly with Senator Bond in his comments about how important that kind of cooperation is needed.

The other major point that I wanted to mention, Mr. Chairman, is what a terrible problem these marijuana farms are causing for our environment. I recently asked the Forest Service to do an analysis of the problems that these marijuana farms were causing for our forests. They found that the growers are bringing high nitrogen chemical fertilizers into a variety of applications that are harmful to the environment. We're seeing indiscriminate use of rodenticide by cannabis growers. Substantial quantities of these rodenticides are left after the sites have been abandoned.

And then you have situations where the active ingredient, usually strychnine, may be introduced into streams during winter rains. I think that this aspect of the problem has not been zeroed in on as extensively as it should be. And with your permission, Mr. Chairman, I would ask the subcommittee's permission to put the document from the Forest Service with respect to these environmental problems into your record as well.

Senator HARKIN. Without objection.

[The letter from the Forest Service can be found on p. 22.]

Mr. WYDEN. Mr. Chairman, the other thing that my bill would do is to put in place new, stiff penalties for the unauthorized use of chemicals in the Federal forests. By making it a crime to use these chemicals, we would also provide law enforcement agents with another avenue, an avenue they don't have, to prosecute these felons.

The last point that I would want to make, Mr. Chairman, is that this is a particularly serious problem in the remote areas of our country, in the West and other parts of our Nation. These areas simply haven't gotten the number of law enforcement agents, DEA agents and others, and yet they are really the center of these major drug rings.

I recently met with a southern Oregon sheriff, Josephine County Sheriff William Arnado, who told me that the market value of the marijuana crop grown in his area, a rural area, is skyrocketing because it is a national center for high quality marijuana. He estimated that the street cost of Josephine County marijuana has increased by 500 percent over the 1985 levels.

I had a chance to visit Sheriff Arnado's evidence room when I was there, and, Mr. Chairman, we see the greeting cards of this industry in front of us here at the table. But what I saw in Josephine County, Oregon, was really enough to make your blood run cold: A 50-caliber antiaircraft weapon was among a variety of weapons captured in Josephine County. There was a raid of a methamphetamine lab, just a stone's throw from Federal Forest land. They had enough weapons there, Mr. Chairman, to outfit an army: 51 guns and M-16 machine gun, a Uzi machine gun, two Browning 50-caliber M-6 machine guns, an M-14 semiautomatic rifle, as well as a whole host of other automatic weapons. They also had 100,000 rounds of ammunition, 150 pounds of gunpowder, and over \$100,000 in gold, silver, and currency.

What we're talking about, Mr. Chairman, is organized career criminal activity. And it seems to me if we're going to root it out, we're going to have to give the Forest Service personnel in this country new tools to go after what I think is a very sophisticated criminal operation.

These aren't people just casually growing marijuana from time to time. These are organized criminals, they're mobile, and they're sophisticated. If you catch them in one area and you can't prosecute them, they'll just move a few hundred miles away, particularly in the West where the climate is right, and do it all over again.

So I just appreciate the chance to come. You can tell that this is something that I feel real strong about because I think it is just threatening the quality of life all over the West, particularly in my State.

And I just look forward to working with our colleagues on a bipartisan basis to give the Forest Service the tools they need to really root this scourge out.

[The prepared statement of Mr. Wyden and letters follow:]

TESTIMONY OF CONGRESSMAN RON WYDEN
BEFORE THE SENATE SUBCOMMITTEE ON
NUTRITION AND INVESTIGATIONS
MAY 12, 1988

Mr. Chairman, this hearing today is focused in an issue of vital importance for my state -- the use of our precious forest lands for the production of illegal drugs. I commend your leadership in calling for this hearing and I greatly appreciate the opportunity to testify on a problem of deep concern to me and my constituents.

As you may know, I have introduced the National Forest System Drug Enforcement and Protection Act which will give additional authority to the U.S. Forest Service to fight drug crimes that begin on federal forest lands.

Right now, marijuana cultivation is a felony offense punishable by 10 years in federal prison and a \$10,000 fine. Forest Service Agents are authorized to go after these criminals -- but only as long as they remain within the boundaries of the federal forests.

The U.S. Attorney in Oregon, Charles Turner, points out in a letter to the Forest Service, which I will include for the record, that this restriction has hamstrung the effectiveness of the law enforcement agents of the U.S. Forest Service. Mr. Turner suggests in this letter that legislation is needed to remedy this situation.

My legislation will lift that restriction, and grant these specially trained agents the power to arrest, conduct investigations, searches and seizures off the National Forest land if the drug crime originates on federal system land.

In addition, my bill will enhance Forest Service cooperation with state and local law enforcement groups by encouraging its cooperative participation in local and regional task forces for drug enforcement.

Recently, I requested the Forest Service to analyse the environmental impact of cannabis production in the nation's forest lands. In a document which I will include for the record, the Forest Service outlines typical situations which cause severe and potentially devastating damage to the environment.

The Forest Service has found poisonous chemicals around these gardens, leaching into streams and the groundwater, killing plants and wildlife. That's just part of the damage: when these chemicals work their way into the food chain, they can endanger protected species like eagles which prey on smaller animals.

My bill will also put new, stiff penalties for the unauthorized use of chemicals in the Federal forests. By making it a crime to use these chemicals, we also provide law enforcement agents with another avenue to prosecute these felons and we'll be taking a positive step toward protecting the environment against the ravages of this illegal activity.

CONGRESSMAN RON WYDEN
TESTIMONY/PAGE TWO

It is essential to Oregon, as well as other rural states that this legislation be included in the Omnibus Anti-Drug Abuse Act this year.

As one of the organizers of the Congressional Forestry 2000 Task Force, I toured southern Oregon last summer at the height of the marijuana growing season and learned more about drug enforcement issues that are affecting the forests and public lands in that part of the state. The one essential message that I got from the frontlines of rural drug enforcement is this: remote areas that are attractive to hard-core drug traffickers need more federal law enforcement help, period.

From law enforcement officials to ordinary citizens, the drug problem in the forests is a topic of enormous concern. Oregon is becoming a regional, if not national, drug center. More and more, marijuana and methamphetamine produced in the forests of my state are finding their way to the streets of this nation's cities. Oregon is, in fact, the third leading state in the nation for methamphetamine production and marijuana cultivation.

I met with a southern Oregon sheriff, Josephine County Sheriff William Arnado, who told me that the market value of marijuana grown in his area is skyrocketing due to its national reputation for high quality. Sheriff Arnado estimated that the street cost of Josephine County marijuana has increased by 500 percent over 1985 levels.

With marijuana so valuable, growers are going to frightening lengths to protect their cash crop. During my visit, Sheriff Arnado and I toured his evidence room. The array of weapons there was astounding -- and the fact that they had been confiscated within the last six months made my blood run cold. I literally saw a 50-caliber anti-aircraft weapon captured in Josephine County. In one raid of a methamphetamine lab just a stone's throw from federal forest land, the sheriff had seized a cache of weapons that could outfit a small army. This arsenal of 51 guns -- including an M60 machine gun, an Uzi machine gun, two Browning 50-caliber M6 machine guns, an M-14 semiautomatic rifle as well as other automatic weapons -- was found with 100,000 rounds of ammunition; 150 pounds of gunpowder; and over \$100,000 in gold, silver, and currency.

With cases like this, it extremely difficult for one lone sheriff with only a small staff to effectively enforce the federal drug laws in these areas without hands-on federal assistance. I believe the same is true for nearly every rural county in Oregon and certainly in many other counties around the nation. Can we afford not to give the special Forest Service law enforcement agents some meaningful authority to fight these crimes? I think that the answer to that question is no, and that's why I'm intent on working to get this legislation into law this year, and I look forward to working with you, Senator, on this effort. Thank you.

###

Letters submitted for the record follow:

FEB 08 '88 11:24 USDA FS

P.2



U.S. Department of Justice

United States Attorney
District of Oregon

37:cc

312 United States Courthouse
630 S.W. Main
Portland, Oregon 97205

303/221-3101

Feb. 2, 1988

RECEIVED

FEB 8 1988

FBI - Portland Office

James F. Torrence
Regional Forester
Pacific Northwest Region
U.S. Forest Service
P.O. Box 3623
Portland, OR 97208RE: Forest Service agents' ability to investigate National Forest
marijuana cultivation cases beyond the boundaries of the National Forest

Dear Mr. Torrence,

The inability of Forest Service (FS) law enforcement agents to investigate marijuana cultivation ventures beyond the National Forest boundaries poses a major obstacle to the successful investigation and prosecution of such cases.

AUSA Jeffrey J. Kent of our Eugene Branch Office advises me that Title 16 U.S.C. § 559(c), attached hereto, is being construed by the Forest Service to limit the FS agents' authority in such cases to National Forest land. If this is the correct interpretation of this provision, it seriously hampers routine and necessary investigative actions in such cases, including:

- 1) surveillance of vehicles and persons going from marijuana plots in the forests to processing and distribution centers elsewhere;
- 2) execution of search warrants at private residences and other structures and vehicles associated with those implicated in these ventures;¹
- 3) follow-up interviews of people with information about the venture;
- 4) subpoenaing witnesses before the Grand Jury;
- 5) analyzing relevant documentary evidence, such as bank, telephone, and distribution records.

¹ Section 559(c)(4) arguably gives the Forest Service this authority.

FEB 08 '88 11:24 USDA FS

P.3

Page 2
Feb. 2, 1988

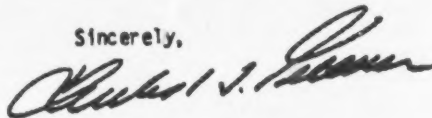
Actions such as these are essential to a comprehensive investigation of such activity. If the FS agents are unable to conduct such activity, except through the possibly cumbersome and not automatically available assistance or deputization procedures of DEA (see 21 U.S.C. § 873 attached hereto), these investigations will be doomed to a lack of timely thoroughness, jeopardizing successful prosecutions.

Jeff Kent tells me that these are not academic matters. An inability to execute domestic search warrants and follow-up investigation may well lead to the dismissal of one such case.

A different interpretation, amendatory legislation, or a suitable working arrangement with DEA are necessary if these investigations and prosecutions are to be successful.

Please give these matters your early consideration so that future years' investigations are not plagued by these problems.

Sincerely,



CHARLES H. TURNER
United States Attorney

Attachments

cc: Baron Sheldahl, Chief, Criminal Division
Thomas M. Coffin, Supervisory Attorney (Eugene)
Jeffrey J. Kent, AUSA, Eugene
Hugh Speight, Chief Law Enforcement Agent
Roger Parrish, DEA Supervisor (Eugene)
Special Agent Frank Balazs, DEA, Eugene

Editor's Note: The attachments do not print and are held by Representative Wyden's office.



United States
Department of
Agriculture

Forest
Service

Washington
Office

12th & Independence St
P.O. Box 96090
Washington, DC 20090-6090

Reply To: 5300

Date: MAR 16 1988

Honorable Ronald L. Wyden
House of Representatives
Washington, DC 20515

Dear Congressman Wyden:

In response to your request for information on environmental hazards associated with illicit cannabis cultivation in the National Forest System, we are providing below a description of the type of hazards we have observed to be common.

Substantial quantities of high nitrogen chemical fertilizers are used by growers to enhance the production of cannabis. These chemicals are usually in liquid or pellet form and are hand applied or injected into drip irrigation systems using electronic metering systems. Most cultivation sites are located on slopes which are near water sources, usually a stream. While there is some danger of these chemicals leaching into streams, the biggest hazard occurs after the plants have been harvested and the site abandoned. We have found that in nearly every case, the fertilizer not used during the growing operation was left at the site and exposed to the elements. In some cases, there have been several hundred pounds of fertilizer dumped and left.

During winter rains these abandoned chemicals are most likely to leach into streams. This can result in a chemical imbalance of the stream and adverse effects on aquatic life.

Another hazard is the indiscriminate use of rodenticides by the cannabis grower. Typically, growers spread large quantities of rat killer type poisons in and around cultivation sites to protect plants from being eaten by rodents. The Forest Service has found large numbers of dead rats and squirrels, as well as a few larger animals such as foxes in the vicinity of cultivation sites where rodenticides have been used. This not only has an adverse effect on the small animal population but also can affect larger animals up the food chain.

As in the case of the previously mentioned fertilizers, substantial quantities of rodenticide are left after sites have been abandoned. Since the active ingredient in these rodenticides is usually strychnine, its introduction into streams during winter rains is of particular concern.





Honorable Ronald L. Wyden

2

Another adverse environmental impact caused by cannabis cultivation activity is the intentional killing of deer by growers in the vicinity of cultivation sites. Some growers, in the belief that deer will forage on young cannabis plants will methodically kill deer which are in or near the sites. Bear and mountain lion are sometimes killed and their carcasses hung at sites to discourage deer from approaching.

The Forest Service considers the potential environmental hazards created by this criminal activity to be a significant threat to Forest ecosystems.

Again, we appreciate your interest and concern in this area, and we look forward to your continued support in our effort to fight this problem.

Sincerely,

James L. Turner
JAMES L. TURNER, Deputy Director
Forest Service





JOSEPHINE COUNTY SHERIFF'S OFFICE

W. E. "Bill" Arnado - Sheriff

May 11, 1988

Mr. Bob Andros
316 Hart Senate Office Building
Washington, D.C. 20510

Dear Mr. Andros:

Regarding our phone conversation, you requested we send you photographs of weapons, methamphetamine labs, and marijuana we have seized on or adjacent to Federal lands. I am sending with this letter some photographs depicting these seized items.

I have been involved in law enforcement in southern Oregon for the past 15 years. I have been directly involved in narcotics enforcement for the last 10 years. We currently have a multi-agency/multi-jurisdictional task force whose goal is to identify narcotics problems and to address these problems. I would like to address some specific concerns our task force has regarding working criminal cases on Federal lands.

One of our primary concerns is funding. As you are probably aware the Federal government has major land holdings. Currently within Josephine County we have one deputy assigned to patrol and enforce laws within the U.S. Forest Service lands and one deputy assigned to patrol the BLM lands. Once a year we receive funding for both the U.S. Forest Service and BLM for the purpose of eradicating marijuana grown on Federal lands. We also receive funding from the Drug Enforcement Administration for addressing the marijuana grow problem in our county. Coupling this federal funding with local funding we have put together a marijuana task force specifically for the purpose of identifying growing marijuana. This task force is generally formed on July 1 and culminates its activities on September 30.

Justice Building Grants Pass, Oregon 97526 Phone (503) 474-5120

Since 1980 we have seen a marked increase in the amount of Federal funds from the U.S. Forest Service for this purpose. We have seen little or no increase from the Drug Enforcement Administration and Bureau of Land Management. As a result, an increasing amount of local funding is used to eradicate marijuana on lands other than U.S. Forest Service. Local funding, as in any other location, is limited and we are currently unable to address fully the criminal problems on public lands.

Since 1980 we have seen some definite trends occurring in our area relating to the growing of marijuana. Our investigations show that trends toward indoor growing of marijuana is on a sharp increase. We first believed that due to the increased activity with indoor growing that the outdoor growing would decrease. Through our investigation we are showing that a few of the experienced long-term growers are turning to indoor grows but many of the indoor growers are individuals who have never grown marijuana outdoors. A relatively new business for growers in our area is providing seedlings to individuals who wish to grow marijuana. Most of these seedlings are grown indoors but are sold to individuals who are doing outdoor grows. Because of this trend we find that we are now investigating marijuana growing year round rather than the seasonal operation of the past. Another trend that we have experienced is that outdoor growers are moving their operations to Federal grounds. The reason for this is two-fold: one, to make it more difficult for us to identify the grower, and two, to alleviate the possibility of us seizing their property for growing marijuana under civil forfeitures. We have found that the incidents of arrest on public grounds is of a significantly lower percent than that on private property. In order to bolster the number of arrests on public lands we have had to employ more law enforcement personnel so that long term surveillance and investigations could be completed. The other method we are using to combat the growing of marijuana on public grounds is the use of helicopters. We have found that the helicopters are able to cover our heavily wooded areas more thoroughly, giving our aerial spotters a better opportunity to site the marijuana. In order to provide more manpower for investigations and surveillance and rent helicopters for aerial surveillance we have had to increase our budgets.

Regarding funding, we have made requests for budget increases to the Bureau of Land Management, U.S. Forest Service, and the Drug Enforcement Administration. Funding from the Bureau of Land Management and Drug Enforcement Administration has increased very little over the past few years. In fact, we have seen a reduction in funding from the Bureau of Land Management. The U.S. Forest Service has responded favorably and we have been able to receive more monies for investigations on their lands. Because of this,

we are experiencing another problem within our area. We have been able to increase our enforcement activities on U.S. Forest Service land, eradicating more marijuana and making more arrests. On Bureau of Land Management properties, our seizures have stayed pretty much the same over the past few years. I believe that because of the increased enforcement on U.S. Forest land we are now experiencing a higher percentage of growers on BLM property. We have found evidence of more gardens on BLM property and through questioning suspects, have found that they are growing on BLM property because they have heard from other growers their chances of being caught are less. I don't believe that the growers have specifically formulated that they should grow on BLM and not U.S. Forest Service. I believe through word of mouth they're finding that certain areas within our jurisdiction have fewer gardens harvested, therefore they are moving to those areas believing their chances of being caught will be less.

Statistically Oregon is ranked number three in the nation for seizures of methamphetamine labs. The number of methamphetamine labs in our state has grown at an alarming rate in the last few years. One of the trends we are starting to see in the southern Oregon is more methamphetamine labs being located and operated on public grounds. Within the past five months we have seized or located five methamphetamine labs on public grounds. By operating these clandestine labs in remote areas the perpetrators have little worry of being detected and ability to guard the lab against intruders is greatly enhanced. The operators of these labs have little care for safety of themselves or the environment. We are finding that they are contaminating not only the land but the drainages in the area where the labs are located. As an example, on February 11, 1988, we seized a methamphetamine lab in a remote area on BLM property. The individual was utilizing two RV trailers for the operation. The suspect was living in one trailer and the lab was in the other. We found that the suspect was dumping raw sewage from his living quarters into the creek running nearby and also dumping his toxic waste from the lab in the same creek. In another case we made a seizure on private land which was surrounded by public lands. We found that the individual was using his well to dispose of the toxic wastes from the lab. Underground water samples were taken and tested. The results showed that the underground watershed was contaminated with toxic waste. On several occasions we have located chemicals and/or toxic wastes which lab operators had dumped on public grounds many miles from the lab so that they could go on undetected. Currently we have no funding or ability to clean up these toxic wastes on public grounds.

In all cases, whether it be marijuana growers or methamphetamine lab operators, we are finding that they are

all heavily arming themselves. It is not uncommon to find booby traps, seize light weapons, and on some occasions seize heavy weapons, including 50 caliber machine guns and hand grenades. Law enforcement in southern Oregon has come to a stark realization that on many occasions we are attempting to arrest criminals who not only outgun us but have more sophisticated weapons than we do.

In order to address these criminal problems on public lands it is necessary for us to maintain the current funding from U.S. Forest Service, sharply increase funding from the Bureau of Land Management and the Drug Enforcement Administration. In the future we must constantly evaluate criminal problems occurring on the public grounds and attempt to address them as they change. Because of the demand for the high quality marijuana grown in southern Oregon and northern California we are going to be experiencing a steady increase in the number of individuals growing marijuana on public grounds. Marijuana grown in the southern Oregon/northern California area is the highest quality and most potent marijuana being produced in the nation. Our marijuana growers have hybrid marijuana for the past 15 years. The average outdoor marijuana plant today will produce between 1-1/2 and 3 pounds of marijuana. The current minimum prices for one pound of this high-grade marijuana is \$2,400. As you can see, it would not take many pounds nor many plants to ensure the grower a healthy income in a years time. As an example, if a grower grew only 10 marijuana plants, his potential gross income from these plants would be between \$36,000 and \$72,000. Studies have been conducted for the past eight years in our area and we have determined that our average size outdoor marijuana grow is approximately 60 plants which would result in a gross income of between \$216,000 and \$423,000. Because of the vast amounts of monies that can be made we are seeing more and more co-op gardens and more and more individuals who are hiring people to cultivate their gardens for them.

With this letter I have provided photographs of weapons and marijuana grows we have seized either on public grounds or next to public grounds. I have provided to you 12 photographs which are numbered one through twelve.

Photograph #1 is of a 50 caliber machine gun which we seized from an individual operating a methamphetamine lab. The methamphetamine lab was located in the Illinois Valley area. The lab site was located on the suspect's remote property which abutted BLM property. We had received complains from numerous people advising that this suspect, while armed, would confront anyone on or near his property and run them off. The suspect was manufacturing large amounts of methamphetamines for the Hells Angels motorcycle club. We seized in excess of 50 weapons from this individual, 13 of which were fully automatic. Also seized from this subject

were approximately 3,000 .50 caliber rounds in belts for this machine gun. In addition, we seized in excess of 50,000 rounds of ammunition for the seized weapons. Also seized from this subject were sophisticated night vision devices and night scopes for the weapons, silencers for the weapons, and approximately 50 hand grenades. Since this seizure we have made five other significant seizures on private lands involving large caches of weapons. Our investigations in the past have indicated that individuals involved in the sale of illegal weapons and explosives are finding the southern Oregon and northern California areas attractive because the marijuana growers are seeking to buy this type of weapon.

The photograph marked #2 is a barot lite 50 which is a .50 caliber sniper rifle. This rifle was seized, along with 36 other weapons, from an individual who was operating a methamphetamine lab. The methamphetamine lab was located on remote property, again in the Illinois Valley area. The suspect's property was surrounded by BLM lands. A second suspect was assisting in the manufacture of the methamphetamine. Our investigation revealed that they were manufacturing the methamphetamine on private property but were dumping large amounts of chemical wastes from the lab on the BLM property. As part of our investigation we subsequently arrested the suspects on a second charge of attempted murder as they contacted a federal witness, attempted to shoot him with Mac 11 machine pistol which failed to fire, and subsequently they severely assaulted him.

The photographs numbered 3, 4, and 5 are the results of a marijuana raid conducted on U.S. Forest Service property in 1980. Photograph #3 is a photograph of a Vagos motorcycle gang member's jacket. These photographs were taken at a raid which took place in a remote part of our county on a mining claim. The mining claim was on U.S. Forest Service property. Seized at this location were numerous marijuana plants and three homemade claymore mines. This seizure took place in 1980. As a result of this investigation arrested were a Vagos motorcycle member by the name of Larry Karl Williams and Paul Weaver, the individual who staked the mining claim. The Vagos are an outlaw motorcycle gang who's mother chapter is in the Los Angeles area. Our investigation revealed that this mining claim was in fact a remote location used by the bikers as a safe house for wanted individuals and for the purpose of growing marijuana. We requested the Forest Service conduct an investigation and attempt to revoke the mining claim rights of Weaver. Paul Weaver left the area to avoid prosecution and sold the mining claim to another individual. Approximately two months ago we received information there were Vagos motorcycle club members at the location who were wanted on outstanding felony warrants. A raid of the mining claim revealed that a

revealed that a subject by the name of George Sumner, a Vagos motorcycle gang member, was living at that location. Further, we identified a second Vagos by the name of Ron Baker at the location. Our investigation revealed they were growing marijuana and manufacturing methamphetamine. This particular mining claim has been a real problem to law enforcement because it is very difficult to get to and people staying at the claim (due to its geographic location) are aware we are approaching approximately 45 minutes prior to reaching the claim. To this date we have not been able to evict the individuals from the mining claim.

Many of the mining claims are legitimate and cause us no problem. But, again, we have a few claims which are constantly used as locations for illegal activities or to hide wanted individuals. I understand that the laws governing mining claims and the process by which an individual can be evicted are very old. I also understand that the mining claim laws are difficult to change. We would like to see a more expedient process to evict or remove individuals from mining claims who are conducting illegal activities. The problem we face with this particular mining claim is that it has been transferred from owner to owner and yet it still is being maintained as a safe house for outlaw motorcycle gang members and a location for marijuana to be grown and methamphetamine to be manufactured.

Photographs marked 6 through 12 are photographs we took last summer of marijuana which we located and eradicated from public lands throughout Josephine County. As you can see, the plants are quite large and in many cases the terrain is steep and the brush and undergrowth is very heavy. This makes it very difficult to detect the gardens and once they are found many times it is very difficult to get to these gardens and eradicate them. The marijuana growers on public grounds have found that the more remote their gardens, the better their chances for completing the grow operation and harvesting them.

One of the other questions you asked was evidence of our distribution of marijuana throughout the nation or outside the nation. Most recently we have concluded an investigation where we arrested an individual from the San Francisco area for possession of and delivery of two kilos of cocaine. This individual was a major cocaine and marijuana trafficker. His primary intent for dealing with us was to set up a narcotic operation where we would trade him locally grown marijuana sinsemilla for cocaine. He advised us that the person he obtained his cocaine from would take all of the sinsemilla marijuana from southern Oregon/northern California he could get. The indication was that this individual lived in the Los Angeles area and dealt directly with Columbians to obtain cocaine.

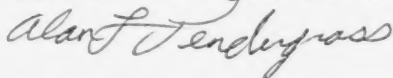
In another investigation we tracked locally grown marijuana going to Canadian dealers. Throughout the past two years we have had inquiries from narcotic investigators reporting that our locally grown marijuana was being imported into their jurisdictions for sale. These states include New York, Illinois, Texas, California, Colorado, and Washington. Through our investigations of marijuana cultivation we have questioned numerous growers regarding the areas where they prefer to sell their marijuana. In almost all instances we were advised that they preferred to sell the marijuana in major populated cities or areas outside of northern California or southern Oregon. The primary reason for this was that they could get premium prices for their marijuana in areas where quality marijuana was not being grown or was not readily available.

In summation I can say that our concern with illegal manufacturing of both marijuana and methamphetamine on public lands has sharply increased. We have found that in order to conduct investigations and subsequently make arrests of individuals involved in these activities on public lands, it takes more man power and resources. In order to accomplish these tasks we have been working very closely with both BLM and U.S. Forest Service officials and law enforcement personnel to devise better methods for investigation and information sharing. If you have any further questions regarding these types of activities, please feel free to contact me. I hope this information and photographs will assist you in your presentations.

Very truly yours,

W.E. "Bill" Arnado, Sheriff

By: Alan F. Pendergrass, Lieutenant



Editor's Note: Photographs numbered 1-12 of weapons and marijuana grows are retained in the subcommittee file.

Senator HARKIN. Thank you very much for a rather powerful statement.

I just note that I have a letter from W.E. "Bill" Arnado, the Sheriff of Josephine County, dated May 11. The letter was transmitted to us yesterday. He has sent us a number of pictures that we hope will be here by 10 o'clock.¹

He pointed out in his letter some of the things that you just said, such as that statistically Oregon is ranked No. 3 in the Nation for seizures of methamphetamine labs. I'm not certain I know what methamphetamine is. But again this shows us that it's not only marijuana, but they're making these other things in these mobile labs. And I've heard reports of them dumping their waste products into streams, polluting the streams, polluting the environment.

He went on. I just want to read from this letter that we received from him.

He said that, "In all cases, whether it be marijuana growers or methamphetamine lab operators, we are finding that they are all heavily arming themselves. It is not uncommon to find booby traps, seize light weapons, and on some occasions seize heavy weapons, including 50-caliber machine guns and handgrenades. Law enforcement in southern Oregon has come to a stark realization that, on many occasions, we are attempting to arrest criminals who not only outgun us but have more sophisticated weapons than we do."

That is a letter that we just received from the Sheriff that you were quoting in your testimony.

Mr. WYDEN. Well, that really describes it very well. And, Mr. Chairman, these drug problems seem to go hand in hand. Oregon has the dubious distinction, as you point out, of being third in the country in methamphetamine labs. These are highly toxic chemicals, Senator. They are so toxic, it's very, very hard for our people to even come in and clean them up. And then when they do, they go in in these space suits. And right now in my District we're having a tremendous problem of trying to clean them up. And there are very serious environmental problems left behind that really threaten the quality of life in those communities.

Senator HARKIN. Again, Ron, thanks very much for taking the time not only to come here today, but all your time and effort in addressing this problem.

It is a real problem, and I don't think anyone's really focused on it yet.

Last summer my wife and I and our kids traveled out West and visited a couple of National Forests. Quite frankly, that's the first time I came to the realization that there was this kind of a problem.

We like to camp out. And to be told that, well, there are certain areas in National Forests you can't go, not because of wild animals and other natural dangers, but because of wild humans that are out there raising marijuana certainly demonstrates that this is a problem of immense proportions.

I understand the data that we've gotten from GAO indicates that in 1980 about 5 percent of the marijuana in this country was grown

¹ The letter from W.E. "Bill" Arnado, sheriff appears on page 24. The pictures are retained in the subcommittee file.

in our National Forests. Today it's over 25 percent grown in our National Forests.

I'm sure we'll be hearing testimony as to why some of that is happening. But you mentioned some of it. The fines are low. I mean, if in a plot of land the size of this room, you can grow \$400,000 worth of marijuana in 3 to 4 months, and you may face a fine of \$20,000 and a couple of months in prison, well, you know, you might be inclined to take that risk. Plus the fact that law enforcement people in our National Forests do not have the right of hot pursuit. They cannot chase these criminals beyond the borders of our Forest Service lands. There are tremendous law enforcement problems in dealing with these people. And it's got to be addressed before they really take over and run all of the law-abiding citizens out of our National Forests.

Mr. WYDEN. Senator, you have said it so well, and you're dead right about this question of a focus.

You know, I think there's been a perception that drugs are a problem in Miami, Philadelphia and major Eastern cities and that the situation is not the same in the West. "Well, that was a pretty forest, and it is just an occasional sort of thing."

But there is big time crime in these areas. The population is right for doing it. It's remote and rural. Our law enforcement people don't have the tools. And what happens is drugs get grown in these forest, the forest is poisoned and the drugs get shipped to the urban areas of the country. So our whole Nation suffers as a result of our inability to really focus on this and put in some remedies. And my bill particularly would deal with that hot pursuit problem that you mentioned.

Senator HARKIN. I understand.

Thank you very much.

Mr. WYDEN. Thanks so much.

Senator HARKIN. Thank you.

Before we go on, it's important that we view this film, it's about 10 or 15 minutes.

[A videotape was played.]

Senator HARKIN. We will resume our testimony first with Mr. William Rice. Mr. William Rice is Deputy Chief of the U.S. Forest Service, Washington, D.C.

Mr. Rice, would you please come up here and take those middle seats there.

He is accompanied by Cecil Wilson, Chief Law Enforcement Officer, the U.S. Forest Service; and Frank Packwood, special agent for the Shasta-Trinity National Forest, U.S. Forest Service, California.

You might just line up there. Are you Cecil or Frank? You are going to be talking to me about some of these weapons and booby traps that are used. You might just get by those microphones so you can tell us about that.

We welcome you to the subcommittee, and as I said in my opening statement, my deepest thanks to the National Forest Service for all of your help and assistance in conducting this investigation and for your being here today. Without objection, your prepared statement will be made a part of the record.

Again, Mr. Rice, please go ahead and proceed as you so desire.

STATEMENT OF WILLIAM L. RICE, DEPUTY CHIEF FOR ADMINISTRATION, U.S. FOREST SERVICE, DEPARTMENT OF AGRICULTURE, ACCOMPANIED BY CECIL WILSON, CHIEF LAW ENFORCEMENT OFFICER, AND FRANK G. PACKWOOD, SPECIAL AGENT, SHASTA-TRINITY NATIONAL FOREST, U.S. FOREST SERVICE, REDDING, CA

Mr. RICE. Thank you, Mr. Chairman. I might point out initially that this 15-minute clip that we saw is from an hour presentation that we understand is going to be shown on the public broadcasting system this summer. So there is a great deal more of information, if you have time to take a look at that in its entirety.

We are pleased to be here today, and you and your colleagues have very graphically talked about the situation on National Forest System lands. I would like to add a few comments from the Forest Service perspective in order to make sure that the record is complete. Some of it may be repetitive, but I think it is important for us to do that if you would bear with me for a few minutes.

Today, cannabis production on National Forests is a major billion dollar criminal industry. We have seen not only a sharp increase in the amount of cannabis grown on the National Forests, but also a sharp contrast in the type of cannabis grown and the type of person growing it.

The increase in the amount of cannabis grown on the National Forests is generally related to three factors.

First, domestic cannabis production in general increased in the mid-1970's as Federal interdiction efforts intensified and became more effective.

Second, because of potential forfeiture and seizure laws, growers moved their operations to Federal lands where they would not risk losing their own land if they were caught.

And, third, the National Forest land generally offers good growing conditions, as we have seen, remote locations, and, I might say, obviously in those remote locations a low law enforcement presence.

One of the most notable changes we have seen in recent years is the use of the violent tactics to protect the growing sites. We have seen some of those this morning. In the early 1970's, it was rare to see any grower that was armed. Today, almost half of the growers are armed, particularly during the period just prior to the harvest. That is in the late summer period.

We are especially concerned about the increased use of "booby traps," some of them are on display here today, which are designed to injure or kill anyone who comes across them. In the past, it was not uncommon to find devices designed as "noise-makers" used to scare away wildlife or to alert growers that someone was approaching. Today, however, we are seeing devices designed to cause bodily harm, such as handgrenades and makeshift firearm devices set to discharge when a person trips a wire stretched across a trail. In the past 2 years—and we have talked statistics a bit this morning—we have found over 175 of these dangerous devices at or near the vicinity of cultivation sites.

As we have also heard this morning—and I want to reiterate—the violence associated with this growing activity has placed Forest

Service employees, and most assuredly other Forest users, at risk should they happen upon cultivation sites. As we have also heard, in 1986 and 1987, concern about this has led the Forest Service to classify almost 1 million acres as constrained for public, industry, and employee use because of the safety hazards involved.

Since 1981, when we first began to maintain records related to cannabis activity, more than 1.3 million commercial grade cannabis plants have been eradicated from National Forest System lands. We estimate a conservative market value of this cannabis would have been \$2.5 billion. In 1981, almost 30,000 plants were eradicated from 220 cultivation sites. And as we have also heard, many more thousands have been eradicated in the past 2 years from almost 4,000 sites versus the over 200. Again, we are estimating we are only eradicating about 40 percent of the total crop that is being grown.

Mr. Chairman, we have long recognized in the Forest Service that eradication alone is obviously not enough. With the passage of the Anti-Drug Abuse Act in 1986, it did help us to increase our authorities to go after the people growing the drug rather than the drug itself. Now, our emphasis will be on apprehending growers. This program is designed to maximize cooperative efforts by State and local agencies and the Forest Service. It puts the Forest Service law enforcement expertise to good use. The new program utilizes Forest Service law enforcement expertise in conducting multi-day operations in remote mountain areas, conducting effective surveillance operations in forest areas, and interpreting on-the-ground activity related to cannabis operations.

I think, Mr. Chairman, this is enough said in terms of my opening remarks. Mr. Wilson, Mr. Packwood, and I will be available to try to answer any specific questions that the subcommittees may have. We stand ready to do that. Thank you for your time.

Senator HARKIN. Thank you very much, Mr. Rice. I just wondered if either Mr. Packwood or—

Mr. RICE. They are accompanying me, Mr. Chairman.

Senator HARKIN. Did you have anything you wanted to add at all, either Mr. Wilson or Mr. Packwood?

Mr. RICE. In the order of things, Mr. Packwood is also going to be on a panel a bit later with the two sheriffs and one of his colleagues.

Senator HARKIN. Yes, that is right, next.

Mr. RICE. Maybe at that point in time, anything additional might be appropriate.

Senator HARKIN. You have some of the devices there. We were looking at them earlier, but for the benefit of both the press who are here and our audience out there, you might want to describe some of those things that you were describing to me earlier, some of those booby traps and weapons and how lethal they are.

Mr. PACKWOOD. Certainly, Mr. Chairman. We have tried to represent a variety of the different types of devices and weapons that we have located in conjunction with our efforts in cultivation eradication effort. I think I will jump from one to the other without attempting to establish any priority, because obviously all of them have potentially lethal effects.

The things range from devices so simple as four fence staples interwoven and attached to each other, tossed out along a forest road. That deters traffic from entering a remote area. More complicated, but obviously much more effective, a nail board device, very cheap to construct, we have found these actually buried in forest road systems. In addition, we have found punji pit arrangements with nail boards of this nature in them reminiscent of Southeast Asia.

A more common device employs the use of a rattrap and fires a shot shell.

Senator HARKIN. Go ahead and do what you did before. Show us how that device operates.

Mr. PACKWOOD. The device is quite primitive, but it utilizes a homemade firing pin arranged over the primer of the shot shell. The rattrap is simply set as one would normally set it, but the trap is attached to a monofilament fishline or thread as a tripwire. It is aimed or directed at a point where the tripwire is across a trail and [demonstrating] when initiated, fires the shot shell. Another device, a slightly different method of manufacture, but essentially the same.

In Trinity County on the Shasta-Trinity National Forest, in 1983 we located essentially a fruit jar with a military fragmentation handgrenade inside. In that device, the handgrenade pin had been removed, and the spoon was held in place solely by pressure on the fruit jar. A trip wire was simply attached to the handgrenade and stretched across a trail. Anyone pulling on the trip wire would simply drag the handgrenade out of the jar, and it would initiate.

Interestingly enough, that particular device was found approximately 1 week prior to our local district ranger guiding a local garden club on a tour of that very area.

In addition to those types of devices, I have personally encountered several cultivation sites employing the use of the string of treble fish hooks. This type of arrangement could either be hung at eye level or, in one particular case in which I was involved, the whole arrangement was attached to the top of a small sapling tree which had been bent over and rigged with a rabbit snare type of device. When someone passed by the tree, they tripped the trip wire; the tree sprung into an upright position, and the air at head level was filled with treble fishhooks.

More obvious is defense weapons. This Uzi carbine was seized on an operation on the Shasta-Trinity in 1985. It and the short-barreled shotgun were both being employed by growers who had 10,000 cannabis plants in one single cultivation site. Two arrests were effected in conjunction with this, and those folks are currently serving prison sentences.

That is essentially it, Mr. Chairman.

Senator HARKIN. I understand we are getting pictures of a .50-caliber machine gun that was found in Oregon some place.

I want to cover two things. Have any Forest Service employees been harmed or their lives threatened?

Mr. PACKWOOD. We have had threats and veiled threats, particularly, directed at our personnel. In the West, at least in the California area, we have not had any direct harm come to our personnel.

Senator HARKIN. I have here a picture which I am sure you are familiar with—as soon as I find it here—of a couple of bullet holes through a U.S. Forest Service pickup, right at the door level. Could you describe what happened? I understand this was a female biologist.

Mr. PACKWOOD. Yes. She was a fisheries biologist conducting a routine study of a stream in an area that was being destined for logging activity. Her purpose for being there was to determine how close the logging activity could actually come to the streamside.

During the process of conducting her examination, she became aware of the fact that someone was in the area with her. She felt somewhat threatened and started to retreat. As she did, shots were fired. She got into her vehicle and was attempting to get it started. I personally talked with her about the incident, and she described her leg as being like rubber as she attempted to depress the clutch on the vehicle. She was in sheer terror.

The culprit in that particular case continued to fire, hitting the door of the vehicle, with two rounds, both of which made it completely through the door and into the passenger compartment. Fortunately, neither of them hit her.

Senator HARKIN. What happened to her?

Mr. PACKWOOD. She is still currently working for the Forest Service, still doing streamside examinations. Much more cautiously, obviously.

That case, incidentally, is going to trial in Nevada, and it has turned into much more than a simple shooting incident. A significant conspiracy was developed, and near the site where she was shot at, a methamphetamine laboratory was located.

Senator HARKIN. Let me read part of a memo from the U.S. Attorney from Oregon:

The inability of Forest Service law enforcement agents to investigate marijuana cultivation ventures beyond the National Forest boundaries poses a major obstacle to the successful investigation and prosecution of such cases. AUSA Jeffrey J. Kent of our Eugene branch office advises me that title 16 U.S.C. section 559(c) is being construed by the Forest Service to limit the Forest Service agent's authority in such cases to National Forest land. If this is the correct interpretation of this provision, it seriously hampers routine and necessary investigative actions in such cases.

Just exactly what are your title 21 authorities and limitations? If you are in hot pursuit of a suspected grower, can you pursue that grower beyond the Forest Service boundaries? Can you go to his home to arrest him or issue a warrant or subpoena or to question that suspect?

Mr. RICE. Mr. Chairman, I am going to ask Mr. Wilson to respond to that.

Mr. WILSON. In regard to the restrictions that you mention, the restrictions within the current legislation suggest that our authorities to carry weapons, to conduct investigations must be contained within the boundaries of the National Forests. We are not interested in investigating drug violations outside the National Forests; that is, we are not interested in investigating plantings and growings outside the National Forests. But on many of these planting sites we find, there is no one there, and it requires investigation to determine who is the grower. It requires setting up surveillance in the garden to see who comes and goes.

If arrests are made, the case is then presented to the U.S. Attorney. We get into a situation where the U.S. Attorney would say to us, as an example: I would like to know where this fellow lives. Who are his neighbors? Who are his associates? Who else is associated with him? Maybe we ought to serve a search warrant—those kinds of things. We have to say we are restricted to the boundary. We cannot do any other investigation.

If the person runs from the site, we could not follow him off the National Forest. If information were given to us concerning an investigation, we would have to invite people to meet us on the National Forest to even discuss the issue because that would be considered an investigative process.

If we know where the grower lives and he lives in a small community, and he has several plots, as that is the case in many situations, it would be standard investigative technique to surveil that individual and follow him to the various sites. But that would take us across State land and county land and some private property off and on the National Forest. That very standard kind of investigation would also be restricted, or not allowed according to existing legislation under a strict interpretation.

So those are the restrictions on our followup investigations, we are restricted to the boundaries. To do simple surveillances, we would be restricted to the boundaries. And also we have discovered that oftentimes, when we do arrest a grower in the garden, he is the person making the \$200 a day. He is not the person that funded it, that set it up, that controls it, that eventually moves the marijuana into production off the National Forest and into the system. That is the gap that is being left, a void, because we are unable to leave the National Forest.

Also, we are unable to be a part of the task force operations to work with the county sheriffs and local State agencies because they move freely off and on the boundaries of the National Forest. So it hampers our ability to be full partner with the other agencies that we are trying to support and assist in the program.

Mr. RICE. Mr. Chairman, I would like to add, to make sure we keep it in perspective, that the legislation did authorize the additional needs that we felt was necessary on National Forest System lands. And we are currently working with the Drug Enforcement Administration, with which there was a mandate within the legislation itself that there be an agreement drawn up between the Attorney General and the Secretary of Agriculture to assure how these activities were going to be carried out off National Forest System lands and the Drug Enforcement Administration's involvement in those. While the agreement is in place at this point in time, we are still working out the actual implementation procedures on it.

I just want to make sure we keep that part in perspective.

Senator HARKIN. I have a couple of other followup questions, but I would ask Senator Fowler if he has any questions.

Senator FOWLER. Thank you, Mr. Chairman.

Mr. Rice, let me pursue that with you. You say the agreement with the DEA is in place.

Mr. RICE. Yes, it is.

Senator FOWLER. I think it would be obvious to everybody here that there is a compelling public purpose for us to be able to go after and pursue an investigation to determine who the grower is. The obvious remedy is that somebody or some service of the Federal Government be able to be the lead in that investigation and that pursuit so that we get them and we convict them.

In your opinion, what is the impediment to that now? What is the remedy? What do you need?

Mr. RICE. Well, as Mr. Wilson has very well stated, on specific cases we are not interested at all in pursuing any kind of growth activities outside the National Forest System lands. All we are interested in is to make sure that for those cases that begin on National Forest System land, we have the authority to pursue those and to bring those cases to some kind of logical conclusion.

Senator FOWLER. Is there any agency of the Federal Government that, for jurisdictional reasons or any other reasons, do not want you to have that authority?

Mr. RICE. Not to my knowledge, Mr. Fowler. I am not familiar with anybody that has specifically opposed the Forest Service from having that authority.

Senator FOWLER. I understand from our discussions that the Service has approximately 150 criminal investigators now. That is nationwide.

Mr. RICE. Yes, that is correct.

Senator FOWLER. If given the authority to pursue these cases that begin on Forest Service land, is that force sufficient to do the job?

Mr. RICE. We believe it is, Mr. Fowler. In addition to those approximately 150 special agents, as we call them, who are professionally trained people, we also have some 600 people that are highly trained that carry on law enforcement activities as a collateral duty to some other job within the Forest Service. So if we get into a specific situation that demands additional people power to be involved, then we can call upon these highly skilled other people to help us enforce that.

Senator FOWLER. How many States are there that, upon request of the Forest Service, will deputize State peace officers, Forest Service personnel, in order to legitimize them to do investigatory work?

Mr. RICE. I would have to ask Mr. Wilson or Mr. Packwood to answer that one.

Mr. WILSON. The States that we work in, within their Constitution, would have to have a State peace officer program that would agree that certain Federal officers were, in fact, State peace officers and could be deputized as such.

Senator FOWLER. Does California have that?

Mr. PACKWOOD. Yes, it does.

Senator FOWLER. Does Oregon?

Mr. PACKWOOD. I am not familiar with Oregon, Senator.

Senator FOWLER. Washington?

Mr. WILSON. We could provide that, Mr. Fowler, which States are involved.

[The material was subsequently provided and follows:]



United States
Department of
Agriculture

Forest
Service

Washington
Office

12th & Independence SW
P.O. Box 96090
Washington, DC 20090-6090

Reply To: 5300

Date: SEP 09 1988

United States Senate
Senate Agriculture Committee
Dirksen SB 640
Washington, DC 20510

Dear Sir:

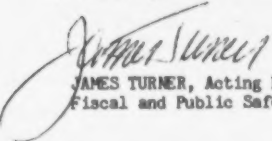
As requested, we are submitting the following list of States which have laws under which Forest Service law enforcement personnel could be deputized to enforce State drug laws:

Minnesota	Montana
Vermont	Arkansas
New Mexico	Kentucky
Arizona	Texas

All States not listed do not have these provisions; however, in most counties throughout the United States there are provisions for deputization under the authority of the County Sheriff. In some States there are provisions for deputization of Forest Service law enforcement personnel as conservation officers or fire wardens; however, this authority does not extend to State drug laws.

Please advise if we may be of any additional assistance.

Sincerely,


JAMES TURNER, Acting Director
Fiscal and Public Safety

Senator FOWLER. Let us make sure because, again, we seldom have a problem that seems to have an obvious solution, and this one does.

Mr. Rice, the Service has the authority, I understand, to leave Forest Service land and pursue thefts of timber, does it not, off of Forest Service land?

Mr. RICE. We do.

Senator FOWLER. The Forest Service has the authority, under Federal statutes, to chase these felons who steal archaeological artifacts from Federal Forest Service land and who go and run off into the State, to go catch them?

Mr. RICE. That is correct, Mr. Fowler.

Senator FOWLER. You can even go chase wild burros, can't you?

Mr. RICE. Of course.

Senator FOWLER. I remember the Wild Horse and Burro Act a few years ago. Senator Harkin and I were over with the wild burros and jackals in the House of Representatives.

A little history of the Forest Service. Why do you not have this authority in the law now?

Mr. RICE. For the marijuana specifically?

Senator FOWLER. Yes.

Mr. RICE. This is a different type of cultural activity, so to speak, Mr. Fowler. We have been involved in the preservation of the natural resource out there for some 80 years in terms of timber monitoring and recreation monitoring and wildlife and these kinds of things, and law enforcement being a relatively new requirement—

Senator FOWLER. Unanticipated criminal activity on the land.

Mr. RICE. That is certainly correct. It is a cultural change for the organization and for the people that are familiar with the Forest Service. And, obviously, it is being approached in a very cautious manner.

I would like to go on and say that the cooperative nature of us working with State and local law enforcement organizations, and with other Federal law enforcement organizations, has been great, especially at the field level. But some of these kinds of activities that require very specific authority, specifically in the case of moving off of National Forests, does not allow time, for example, to get the proper clearance on a day-to-day basis to make sure that happens. So the remedy therein lies in that boundary.

Senator FOWLER. Let me ask this final question. I know Senator Harkin has some other questions. To follow up on that point, approximately what percentage of the cases that are pursued in a cooperative effort of the marijuana cultivation on the Forest Service land—you cannot chase them, you cannot go after them investigatively. So you get the local and State authorities to do it. Approximately what has been your success rate in successfully apprehending and prosecuting, convicting those people?

Mr. RICE. We will let Mr. Packwood respond to that.

Mr. PACKWOOD. I think perhaps this can give you a rather quick overview of successes. California has a very effective eradication program in place. It is an inter-agency program in which the Forest Service does play an integral role. It is known as CAMP, or the Campaign Against Marijuana Planting.

Again, I emphasize it has been primarily eradication-oriented, and the arrests have, for the most part, been incidental to that program.

In 1986, 70 percent of the State's 872 arrests for cannabis cultivation, 70 percent became law enforcement releases, complaint denials, or dismissals in court—which implies that inadequate time was spent or inadequate resources were spent in developing a complete investigation.

Senator FOWLER. In other words, you attribute that very high noncommittal rate to the holes in the investigation?

Mr. PACKWOOD. Precisely.

Mr. WILSON. Senator Fowler, in response to your question about how many States have cross-designation authority, power, there is a law in title 16 giving us authority to accept cross authority from State organizations as it deals with fire and livestock and fisheries. And strictly interpreted, we cannot accept designation to be drug agents with the State or county sheriff.

Senator FOWLER. But just for the record, you have no opposition now? You have full cooperation in this request from the Drug Enforcement Administration?

Do you have the full cooperation of the Drug Enforcement Administration?

Mr. RICE. I think there would be some question at this particular point in time, specifically how far the two agencies would like to go in this thing. The Forest Service obviously would like to have the authority, and there is still some question. As I indicated earlier, we are continuing to work with the Drug Enforcement Administration to work this thing through, and we are making some headway, Senator.

Senator FOWLER. This does not seem to me to be anything confidential. What is the nature of the agreement that you have described with DEA today?

Mr. RICE. The nature of the agreement at this particular point in time is to provide the authority for the Drug Enforcement Administration to cross-designate our agents in order that they may carry out drug enforcement authorities. At this particular time, the process by which that happens has not been worked out.

Senator HARKIN. Will that require a change in the law? If that is so, we have to initiate that here.

Mr. RICE. Well, obviously, the reason for the agreement to begin with was because Forest Service agents were limited to National Forest boundaries. If that particular portion of the law was changed, then the agreement would no longer be required unless Congress chose to make that an additional requirement. That was the reason the agreement was in there in the first place.

Senator FOWLER. I am pleased to hear of the cooperation and the fact that you may work out a cross-designation authority. But it seems to me you need statutory authority so as to clear up any ambiguities and not have a change in personnel at the top of DEA or the Forest Service, for that matter, decide they are going to reinterpret or circumscribe your investigatory ability.

I mean, that is really what you are asking for.

Mr. RICE. That is right.

Senator FOWLER. It is an ability to make the case beyond the boundaries of Federal profit.

Mr. RICE. Very true.

Senator FOWLER. Mr. Chairman, I know I have gone on too long, but let me just go back to a couple of problems from a couple of years ago. Is the Forest Service using paraquat anywhere to destroy marijuana plants? That has been discontinued after our investigations of a couple of years ago?

Mr. RICE. Yes.

Senator FOWLER. In the Emerald Triangle and the West Coast where most of this marijuana is grown, are any States still using paraquat?

Mr. PACKWOOD. No, they are not, Senator. I think that is driven substantially by the fact that the large cultivation sites that at one time may have been practical to do some sort of herbicide application have been totally restructured. They are scattered. Plants are a substantial distance apart, and in essence, manual labor seems to be—

Senator FOWLER. In this major California operation that you described, the eradication effort, how do they kill the plant?

Mr. PACKWOOD. The plants are typically cut, removed from the site by helicopter and then burned.

Senator FOWLER. Burned away from the site?

Mr. PACKWOOD. That is correct. And that is driven by high fire hazard in the forest area.

Senator FOWLER. And you can spot the patches easily by helicopter, can you not? You do not need satellite photography or anything like that?

Mr. PACKWOOD. The detection efforts are really multifaceted. Aircraft certainly plays a major role in it. But we have found an increasing need to just conduct foot reconnaissance of the National Forest areas, put our officers into areas where a high probability for cultivation exists, and locate the crops based on a foot reconnaissance activity.

In addition to that, reports from hunters, hikers, governmental workers lend a substantial amount of discoveries. We rely on all available resources to come up with the discoveries.

Mr. RICE. I think, Mr. Fowler, a point that needs to be made, as I mentioned earlier, there is a rather sophisticated change in the way marijuana is being grown out there, and we are finding now a few plants, in multiple areas is much more prevalent than major plantation kinds of things.

So our whole approach to detecting and eradicating has had to change right along with that change in the sophistication of how they are grown.

Senator FOWLER. Thank you.

Senator HARKIN. Thank you, Senator Fowler.

Mr. Rice, not to be repetitive, but I want to clear up one thing that you have said in response to a question by Senator Fowler.

You pointed out that there were 150 investigators in the Forest Service, but you also had 600 others who had collateral enforcement duties. These are Forest Service employees who are engaged in various activities in the forests who have a collateral duty of law enforcement.

I believe the record would show that Senator Fowler asked you if you had the necessary resources. Your response, I believe the record would show, was yes. You said that you did.

Mr. RICE. Yes.

Senator HARKIN. I do not understand that, because when I look at this map of the reported cases—these are reported cases of cannabis grown in the United States last year—and then when I hear from your own statistics and GAO statistics, that you have closed down a million acres of Forest Service land. And then when I hear about all of the people who are not being prosecuted, and are getting away, how can you tell me you have the resources?

Mr. RICE. Mr. Chairman, I think the reason I am saying this is if we had adequate legislative authority, we could make the cases much better—as the question was responded to, to Mr. Fowler—and we could prioritize the people's work schedules more to these areas, if we knew in fact that we had the ability to carry out some of these cases.

I see no reason, right now, to add any particular positions until we can make a fair determination as to what those needs really are.

Senator HARKIN. But you have 150 full-time investigators.

Mr. RICE. Yes, sir.

Senator HARKIN. With 600 more or 750, you're talking about millions of acres of forest land. It is mindboggling, when you fly over it and look at it. And then I look at a picture here. This is a book that I do not know exactly—did GAO prepare this book? Yes, GAO did it.

It says: "Today it takes trained spotters to detect marijuana plants in the forest because growers go to great lengths to hide their gardens."

And now you have told me they are getting into these smaller plots, not big ones, so it is even more difficult to detect them.

Mr. RICE. Yes.

Senator HARKIN. "In this case, a piece of yellow plastic is the key." Now here is a picture of a shot of a hunk of forest. I defy anyone to show me the marijuana plot.

But when you enlarge it up, then you see a little piece of yellow plastic lying down here.

Now how many aircraft does the Forest Service have for surveillance? If you do not know that offhand, just give it to me later.

Mr. RICE. I do not know offhand. I would think we probably have about 20 of our own aircraft, but we would also have aircraft under contract, as necessary, Mr. Chairman

[The material follows:]

We don't have any aircraft for surveillance purposes. We use cooperators aircraft on an "as needed basis." Under our co-op law program we pay for the use of surveillance aircraft.

Mr. RICE. But I do think I need to clarify this situation a bit on the number of people versus the millions of acres that the Forest Service manages. We are broken up into about 156 National Forests. So essentially, we have a special agent assigned to each National Forest, whether it be the Mark Twain in Missouri, or whether it be any forest in the South, or in the West, or anything.

So there is a very close familiarity with that particular chunk of land by that individual involved. We also have 35,000 other employees that are in and out of the woods much of the time, that are also pretty perceptive in terms of the things they see, and the things they do and do not do. So obviously that information could feed right back to the special investigator.

So it is not as if we only have about 800 people that are involved in this. We have a lot of other people that are involved and we have a lot of very sophisticated users of the National Forests now that are also feeding information back to us as they are in and out of the forests.

So we think that the priority of this is to make sure that we have the legal capability of doing the kinds of things we need to do, and then make the determination, at that point in time, whether or not we have enough people to carry out that requirement.

Senator HARKIN. A couple of years ago, Mr. Rice, I was successful in putting in \$7 million in the drug bill passed a couple years ago, to go to the Civil Air Patrol for buying aircraft for the purpose of drug surveillance—not interdiction—only surveillance, and reporting activities.

Has the Forest Service been utilizing the Civil Air Patrol?

Mr. RICE. We are just about in the final stages of an agreement with the Civil Air Patrol to do some surveillance overflights for us for marijuana purposes.

Senator HARKIN. It has been a long time that I have been following this, and I do not know what all the problems have been, but I have been concerned that it is taking a long time to get this agreement reached.

But you say you are on the verge of it now?

Mr. RICE. Yes; we are.

Senator HARKIN. And so you will be utilizing them. I would just make the point—that many of these Civil Air Patrol pilots are trained aviators, and many of them have been flying for commercial airlines or the military for years.

I would think it is a very cheap way, a very cost-effective way of spotting and detecting these plants. They volunteer their time. The cost per hour of operating these Cessnas is very cheap.

Mr. RICE. Well, we certainly agree, Mr. Chairman.

Senator HARKIN. So you are ready and willing to employ that?

Mr. RICE. Yes.

Senator HARKIN. I think it would be a great resource, and I am just concerned that it has not happened yet. It has been a year and a half or so I guess since—

Mr. RICE. Well, if I—you can correct me if I am wrong—I think that was a part of the major drug legislation that passed in 1986.

Senator HARKIN. Exactly.

Mr. RICE. Right.

Senator HARKIN. So like I say, it has been a couple years. I can understand those things do take time, but I am happy to hear that you are on the verge of getting that agreement completed because the season is now coming up again, and if they are planting these small plots, you're going to need a lot of overflights. These are harder to detect.

Mr. RICE. Yes; they are.

Senator FOWLER. Just one other question, Mr. Chairman, before we go to the next panel.

Senator HARKIN. Go ahead.

Senator FOWLER. Is there any evidence to date that what we see developing with—as you described this growth of the cannabis and all 150, almost without exception—is there any preliminary—as yet I am sure undocumented evidence—that what we are developing here is a marijuana mafia, where there is a small group of growers that is in effect controlling all of this?

Or does it look more like these are thousands of individuals, small entrepreneurs who are without a central source of funding?

Mr. RICE. I certainly do not feel very qualified, Mr. Fowler, to answer that, but I can tell you that the sophistication with which the growing has changed over the past few years, and with the activities that go on to protect those sites out there, would lead me to believe there is some money behind it.

Senator HARKIN. Someone is organizing it?

Mr. RICE. That is a distinct possibility, and I have no real proof that that is happening, but it would certainly lead us to believe that that is in fact happening.

Senator FOWLER. Do you agree with that, Mr. Wilson?

Mr. WILSON. Sir, we certainly have some loose cartels of growing going on, but because we cannot leave the National Forest and make the nexus to the next step, we do not have a lot of data and information about what the next level of growing is beyond the people in the gardens. And that is one of the processes we need to change in—or to get us outside the boundaries. We would be able to make that next connection.

And when we do so—make that connection—then the other agencies who have an interest in that will become a better partner and a better player.

Senator FOWLER. The marijuana can sell for as much as \$3,500, \$4,000 a pound, can it not?

Mr. WILSON. Right.

Senator FOWLER. And an individual marijuana plant can produce several pounds?

Mr. WILSON. Perhaps up to 2 pounds.

Mr. PACKWOOD. A pound would be considered a good average.

Senator HARKIN. Now again, I want to get back to this problem of resources, Mr. Rice.

My staff tells me that if you took all of the forest lands of the United States and put them together, you would have an area about the size of Texas and Indiana combined.

And if you put all your 600 employees that have collateral duties, plus your 150, in that area, it would take them days to find each other.

And yet you're telling me you have the resources. Now, again, I am wondering, is this a budget consideration?

Mr. RICE. No, this is not a budget consideration.

Senator HARKIN. So you have not requested to OMB any additional personnel for this?

Mr. RICE. No. In fact—

Senator HARKIN. Have you been told by OMB, or informed by OMB, that you would not be able to get any more resources for this?

Mr. RICE. No. We have not—

Senator HARKIN. And you have not asked for any more resources?

Mr. RICE. We have not. In fact the 1989 President's budget, Mr. Chairman, was proposed by the Forest Service and has gone through the process to the Congress without any cuts in the law-enforcement program.

Senator HARKIN. I am not talking about cuts.

Mr. RICE. Well, it is what the Forest Service proposed as being an adequate program to carry out the 1989 situation.

Senator HARKIN. Again, we have had great cooperation with the Forest Service for which I am appreciative, but when the statistics tell me that we're only getting 40 percent—last year we got 40 percent of the plants—that means 60 percent are not being detected, 60 percent are being grown, 60 percent are being put out on the streets.

Sixty percent of \$14 billion, is a lot of money.

Mr. RICE. Yes, it is.

Senator HARKIN. And yet you're sitting there telling me you have the resources.

Mr. RICE. Well, I would like to reiterate again: I think that in the interest of both the Congress and the administration, in terms of where we are on this program, if in fact we do have the legislative capability to move into this, we may well come right back to you, Mr. Harkin, and say we're going to need to do some things.

Senator HARKIN. Now there are two branches to this. I understand the need for pursuing and for investigation beyond the boundaries, but if you cannot detect the plants in the first place, it seems to me that that is also another branch of the problem.

And if you have 60 percent out there that you aren't detecting, that you aren't even finding, investigation outside of the boundaries of the National Forest Service has nothing to do with that.

So I appreciate the need for extending your authorities, and I can tell you I am supportive of that. But to sit here and have you tell me that you have all the adequate resources you need, when I look at what's happening, and how much is being grown, and how much is not being detected, and 1 million acres being off-limits to the public, I can only come to one conclusion, and that is, you do not have the necessary resources.

Mr. RICE. Well, I certainly do not want to give the impression, by any means, that the legislative remedy that we're seeking is being held hostage by the amount of people we're applying to the problem. That is not true at all.

We do feel that with the kind of job that we have got to do, that that is the resources that we feel is appropriate to apply to that situation today. We do feel that we're doing an adequate job of that, and obviously, we may have to change our priorities one of these days, and make sure that we shift into that.

Senator HARKIN. Well, I think we, the Senate and the House, may change your priorities, drastically. Yes, I think I hear what

you're saying, and that is that the resources you have are adequate to the job you're doing.

Mr. RICE. Yes.

Senator HARKIN. What I am saying is that only less than half the job is being done.

Mr. RICE. I appreciate your position.

Senator FOWLER. May I ask a naive question. It will not bother me, because I want to know the answer. How do you know that there is 60 percent undetected, if it is undetected?

Mr. RICE. Mr. Wilson says he has an answer. I do not, Mr. Fowler.

Mr. WILSON. We develop statistics that we base projections on. We know what we eradicate, that is simply a figure; but when we're in the field we also discover plots that have already been harvested, and that is where we begin to put together statistics for what we missed.

We also know, through some informant sources, and various other data and information we have collected, that there exists a certain number that we did not find.

So, the 60 percent is based on plots that we have already discovered were harvested before we got there, or through informant sources that say that you missed this, and this.

Another reponse to the question about resources, Senator Harkin. This is the first year, the summer of 1988—this is the first year we have been funded to run this program.

Senator HARKIN. Run the program?

Mr. WILSON. This is the first year we have been funded to put together a marijuana eradication and detection, surveillance and arrest program, as prescribed by the new legislation in 1986.

Senator HARKIN. Yes.

Mr. WILSON. The other issue is, if we are able to pursue cases, or pursue investigations outside of the forests, and if we are able to set up surveillances on people that we know are growing marijuana, that will lead us to many more of these plots that we cannot find.

But as I said once before, we know a number of these people. They could be targeted through a surveillance program that we do not feel we can do now because of the current legislation, that will lead us to that much more detection.

So, there is detection from the air and through overflights, and through stumbling on to it, but there is also a detection process that involves information from other sources, and following growers that will lead us to those other sites.

So we believe that we have the resources to increase the detection capabilities.

Senator FOWLER. I share, of course, Senator Harkin's frustration, because we want to do the job, and we want to do the job as rapidly and as effectively as possible.

But I do think, Tom, that they ought to be commended because it is rare that any Government comes in and doesn't ask for the money first, and then figure out what the policy or the strategy ought to be.

And here you are at least saying you have got a strategy. You know you can pursue the investigation, and if you need more money, and if you start doing the job then you will ask for it.

I am glad to see them, but we will keep the heat on, and keep the watch on, and both of us, and our committees will be willing to develop with you an additional resource package, if needed to do the job, do the complete job. But I do think you need the authority, and then see what happens with existing leads, because I've got a feeling that they have got a lot of good leads, that of course they cannot name here.

But I have a feeling a lot of these rangers, in a lot of these National Forests, have a pretty good idea who the growers are, and if you get sufficient cooperation and get these jurisdictional authority things worked out with a teamwork approach, I believe we'd get some convictions.

Senator HARKIN. Why can't you use the DEA? Why don't you go to the DEA and have them do the investigation and the surveillance? That is what they are for.

Mr. RICE. We certainly do that a lot, but they do not have agents in many of the rural locations where a lot of this occurs.

Senator FOWLER. I will tell you: they do not like to go in the woods.

Senator HARKIN. Well, wait a minute. I thought the surveillance was supposed to be outside the woods.

Mr. RICE. Well, but it still may be close to the woods. It still may be in rural areas, Senator.

Senator HARKIN. Small towns, communities, and rural areas like that.

Mr. RICE. Yes. And in many cases—many, many cases in fact—the Drug Enforcement Administration does not have agents handy to those locations.

Senator HARKIN. But that, again, seems to be a resource problem.

Mr. RICE. Possible. I haven't questioned Mr. Lawn on the resource problem from his perspective. Obviously they have set some priorities also.

Senator HARKIN. But DEA would have the authority to do what you're asking for?

Mr. RICE. Oh, yes, definitely. That is exactly why the 1986 legislation required the agreement between the Attorney General and the Secretary of Agriculture, to make sure that we could try to overcome that boundary problem that is written right into the legislation.

See, we offer a partial solution, and then piecemeal it together to try to get to the ultimate solution.

Senator HARKIN. I thought I had a good handle on this. Now maybe I do not. I understand that you need the authority to go beyond, but the DEA can do it. Then why don't you set up working relationships with the DEA, exchange information and let them do the surveillance? You do the detection and eradication on the Forest Service lands.

Mr. RICE. We'd be most happy to do that if there was always the capability to carry that out on a case-by-case basis, but there may

not be DEA agents available to help us do that. You know, it all boils right back to that, Senator.

Senator HARKIN. I understand that. I will just have to think about it. But here are some pictures we just received from Oregon, again, showing how difficult it is to locate marijuana plants, and you can see them in the picture, but if you were flying overhead and you were looking at 100's of thousands of acres of forest land you probably could not.

I mean, they are just scattered all over the place.

Mr. RICE. That is right. Very true.

Senator HARKIN. And very difficult to see. Here's a picture of a 50-caliber machine gun that was just sent to us. And here's a 50-caliber with a big scope on it, a sniper rifle. So it is getting serious.

I was just telling Senator Fowler, when we watched that videotape before—I said these are modern-day moonshiners, but they have a lot more than the old sawed-off shotguns that the old moonshiners used to have.

Mr. RICE. It is a very sophisticated operation. Yes, sir.

Senator HARKIN. Thank you all very much. Thank you, Mr. Rice, for your testimony.

[The prepared statement of Mr. Rice follows:]

STATEMENT OF
WILLIAM L. RICE
DEPUTY CHIEF FOR ADMINISTRATION
FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Before the
Subcommittee on Nutrition and Investigations
Committee on Agriculture, Nutrition, and Forestry
United States Senate

Concerning Cannabis Production on the National Forest System

May 12, 1988

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

I am pleased to be here today to discuss the impact of illicit cannabis production on the National Forest System and the steps that the Forest Service is taking to control this activity.

The Forest Service is the largest and most diverse agency in the U.S. Department of Agriculture. We manage 156 National Forests, and 19 National Grasslands located in 44 States, Puerto Rico and the Virgin Islands comprising 191 million acres. The natural resources on these lands represent some of the Nation's greatest assets and have major economic, environmental, and social significance for all Americans. These resources are managed for a variety of benefits including water, forage, wildlife habitat, wood, recreation, and wilderness.

Prior to the early 1970's, reports of cannabis cultivation in the National Forest System were rare. By the mid and late 1970's, however, cultivation activity had risen sharply. Today cannabis production on the National Forests

is a major billion dollar criminal industry. We have seen not only a sharp increase in the amount of cannabis grown on the National Forests, but also a sharp contrast in the type of cannabis grown and the type of person growing it.

The increase in the amount of cannabis grown on the National Forests is generally related to three factors. First, domestic cannabis production in general increased in the mid-1970's as Federal interdiction efforts intensified and became more effective, particularly after paraquat was applied to cannabis plantations in Mexico. Second, because of forfeiture and seizure laws, growers moved their operations to Federal lands where they would not risk losing their own land if caught. And third, National Forest land generally offers good growing conditions, remote locations and a low law enforcement presence.

The small independent operations that we saw in the early 1970's mostly have been replaced by high-grade commercial operations which market cannabis in major metropolitan markets. This is particularly true in National Forests in the far west where nearly all the sites are used to produce high potency "sinsemilla." In addition, growers are reacting to eradication efforts by changing their cultivation tactics. The large cannabis "plantation" has been replaced by small "clusters" of cultivation sites which are harder to detect. If one site in a cluster is found others may not be found, so part of the crop can be saved from detection. We have reports of cannabis operations being financed by urban investors, protected by hired armed guards, and tended by

hired laborers. We are seeing some indications of such more organized and inter-connected criminal network of financiers, suppliers and growers, brokers, and inter-state distributors.

One of the most notable changes we have seen in recent years is the use of violent tactics to protect the growing sites. In the early 1970's, it was rare to see growers who were armed. Today, almost half of the growers are armed, particularly during the period just prior to harvest.

We are especially concerned about the increased use of "booby traps" which are designed to injure or kill anyone who comes across them. In the past, it was not uncommon to find devices designed as "noise-makers" used to scare away wildlife or to alert growers that someone was approaching. Today, however, we are seeing devices designed to cause bodily harm, such as hand grenades and makeshift firearm devices set to discharge when a person trips a wire stretched across a trail. In the past two years, there were 175 of these dangerous devices discovered at or in the vicinity of cultivation sites.

Violence associated with this activity has placed Forest Service employees and other Forest users at risk should they happen upon cultivation sites. In 1986 and 1987, concern about this led us to classify over 886,000 acres as constrained for public, industry, and employee use because of the safety hazards involved.

Our field personnel report that there is concern in small communities in and adjacent to the National Forests about the infiltration of persons involved in cannabis production and trafficking activities.

Another trend we have noted is that on about 80 percent of all cannabis sites we found poisons designed to kill wildlife which eat the cannabis plants. The poison is often mixed with feed material to attract animals.

The Forest Service approach to eradicating cannabis has centered primarily with assisting State and local agencies through our Cooperative Law Enforcement Program. Through the program, we reimburse these agencies about \$2 million per year for costs they incur during eradication efforts on National Forest land. Also, Forest Service law enforcement personnel are included as team members on these eradication operations.

Since 1981, when we first began to maintain records related to cannabis activity more than 1.3 million commercial grade cannabis plants have been eradicated from National Forest System lands. We estimate a conservative market value of this cannabis would have been \$2.5 billion. In 1981, almost 30,000 plants were eradicated from 220 cultivation sites. In 1987 over 250,000 plants were eradicated from almost 4,000 sites. We estimate that we are eradicating about 40 percent of the total amount of cannabis being produced on National Forest System lands.

In 1986, a subtitle of the Anti-Drug Abuse Act, the National Forest System Drug Control Act, (P.L. 99-570, Title 15) provided authority for Forest Service law enforcement personnel to enforce Section 401 of the Controlled Substances Act (21 USC 841). This new authority will help improve the Forest Service's existing drug control program and enforcement efforts.

We have long recognized that eradication alone is not enough. In order to achieve any measure of real deterrence, we need to apprehend and prosecute persons caught growing cannabis as well as utilizing an effective cannabis eradication program. We will continue our cooperative eradication program and in addition institute an aggressive investigation program. Our emphasis will be on apprehending growers. This program is designed to maximize cooperative efforts by State and local agencies and the Forest Service. It puts Forest Service law enforcement expertise to good use. The new program utilizes Forest Service law enforcement expertise in conducting multi-day operations in remote mountain areas, conducting effective surveillance operations in forest areas, and interpreting on-the-ground activity related to cannabis operations.

Through the efforts and policies of the National Drug Policy Board established by the President, a major effort was developed to stem the flow of drugs into the United States with a massive drug interdiction effort.

However, that is just one part of the equation. Another major part of this effort is the focus on the USER of drugs. This addresses one part of the equation, that of our National Drug Policy proposal for "zero tolerance". Let

we explain -- (1) drug testing in the workplace, especially in sensitive jobs and areas; (2) "Zero Tolerance" for seizure of assets immediately when apprehended while trafficking drugs; (3) sanctions against countries that allow growth of drugs or "money laundering"; and (4) stamping of convicted trafficker's passports and confiscation of driver licenses.

In addition, Forest Service cannabis prevention operations have been expanded to cover the entire growing cycle rather than limiting investigations to "harvest" months of September and October. There is considerable activity at the sites from February through October including site preparation, transplanting, developing watering systems, plant sexing, pruning, harvesting, drying and transportation out of the forest. Forest Service officers have been trained to detect this activity and to conduct rural area surveillance. We have covertly photographed or videotaped suspects in the act of tending their plants. Then they are arrested. The Forest Service also uses electronic surveillance systems at some of these sites. We have found that growers tend not to be armed as often during the early growing period, so by expanding our surveillance to include the entire growing period and by increasing our use of electronic devices we hope to reduce the hazard exposure to our law enforcement people.

Forest Service Cannabis Investigation Teams are made up from our existing law enforcement group. However, a few additional agents may be hired in the future to supplement the program or to cover traditional investigative needs. Personnel assigned to the Cannabis Investigation Teams have already attended

the Controlled Substance Investigation Training Program put on jointly by the Forest Service and Drug Enforcement Administration. These teams are under the supervision of senior special agents who plan and direct operations involving: cannabis detection, site surveillance, suspect apprehension, and crop eradication. The senior special agents operate under the direction of the Regional Foresters. They also assist State and local law enforcement agencies on Tactical Cannabis Eradication Raids as needed.

The Forest Service utilizes an effective informant program to obtain evidence and intelligence information. This informant program provides for a substantially increased safety factor for our law enforcement personnel. In cooperation with other Federal agencies and private industry the Forest Service is conducting research into effective utilization of aerial photographic systems which have the potential to detect cannabis on the ground. We are also developing a Memorandum of Understanding with the Civil Air Patrol under which the CAP will assist in aerial detection of cannabis sites.

Another aspect of the Forest Service program will be an important public awareness program and incentives for the public to report sightings of cannabis or cannabis related activities. We have produced a 1-hour public awareness television program on the problems of cannabis production on the National Forests and the efforts of the Forest Service to control this illegal use of the public lands. This program "Guardians of the Forest" will be broadcast on PBS this summer.

The Drug Enforcement Administration is currently providing training and technical assistance to the Forest Service. A Memorandum of Understanding establishing policy and procedures between the Forest Service and the Drug Enforcement Administration has been signed. The MOU provides for the Drug Enforcement Administration to deputize Forest Service law enforcement personnel when Forest Service related investigations need to be continued outside the boundary of the National Forest System and when the Drug Enforcement Administration is unable to provide this service.

The 1986 Act which authorized the Forest Service to conduct drug control activities authorized up to \$10 million annually to be appropriated for this program. In order to fund this program in FY'87 we reprogrammed \$600,000 to cover the balance of the year. The Forest Service received about \$3 million in FY '88 to carry out drug enforcement activities on National Forest System lands.

With increased smuggling interdiction efforts domestic cannabis production will increase. This will have a direct impact on the National Forest System. Therefore, the Administration has put a high priority on funding eradication and enforcement programs.

I appreciate the opportunity to be here today to discuss this very important matter. The Forest Service intends to do its part in the Nation's "War on Drugs." We are confident that our program, with its emphasis on working together with other cooperating agencies in an effort to create a true and

effective deterrence, will be successful. The success we seek is not only limited to helping America be free of drugs, but also making America's National Forests safe for the public to use and enjoy, and safe for Forest Service employees to work.

This concludes my prepared remarks. I would be glad to answer any questions you may have.

Senator HARKIN. I am going to call this panel up here, if I could. Mr. Frank Packwood, who is here. Les Burril, Special Agent for the Chattahoochee—here, you know how to pronounce that.

Senator FOWLER. That is the famous Chattahoochee and Oconee National Forest, Mr. Chairman.

Senator HARKIN. Thank you. It is in Georgia.

Senator FOWLER. We will invite you to hike through it at your earliest convenience.

Senator HARKIN. James Carmack, a county sheriff in Montgomery County, Arkansas. And Nick Pepmiller, county sheriff of Ripley County, Missouri.

Will you all please come up here. Are you Les Burril?

Mr. BURRIL. Yes, sir.

Senator HARKIN. Just take these seats right up in here. Mr. Burril. Right here, sheriff. Mr. Carmack, and Sheriff Pepmiller. Welcome. We have statements from Mr. Carmack, Mr. Packwood and Mr. Burril. Welcome to the subcommittee and your prepared statements will be made a part of the record in their entirety. I will start right here at the beginning and go on down.

Sheriff Carmack, a county sheriff of Montgomery County, Arkansas. Welcome, and please proceed, Sheriff.

STATEMENT OF JAMES CARMACK, COUNTY SHERIFF, MONTGOMERY COUNTY, AR

Mr. CARMACK. Mr. Chairman, and members of the subcommittees, I am the sheriff of a rural county in west central Arkansas, Ouachita National Forest. We have 804 square miles in the county that I serve, approximately 635 square miles are national forest, and a population of about 10,000 people.

In the summertime, the visitors to the National Forest probably double the population, especially on the weekends.

There are five areas that most concern myself and the fellow citizens in the county, and what I see as the primary deterrence to public use of the National Forest land.

MARIJUANA PRODUCTION

Marijuana production, from the 1st of May, after the spring turkey season, is when they start planting. The hunters are out in the woods, in force, until about the 1st of May. And then they have the plants that they transplanted from the styrofoam cups, they have grown them at the house, or wherever, to get them started, bring them out, set them out about the 1st of May.

A lot of the harvesting starts in September. Some harvest until late October. So that period of time is what we're talking about. Because of the mild spring season this year, we're expecting a bumper crop to occur.

In a 3-county area, where I am located, we have sort of developed a task force, or a cooperative agreement between the three county sheriffs and the Forest Service on a cooperative agreement. We work together, continuously, all summer.

Already over 6,000 marijuana plants have been located in the 3-county area.

Senator HARKIN. This year?

Mr. CARMACK. This year. One plot of 5,200 plants, ranging anywhere from 6 inches to 18 inches high.

The rest were smaller plots of 150 to smaller areas. It is my belief that the armed cannabis growers or the marijuana growers are responsible for keeping most of the visitors out of the National Forest.

ARMED CANNABIS GROWERS

The type of weapon they carry is not really that important. It is just the fact that they have a weapon. Their mere presence is an overpowering psychological force that the citizens choose not to confront or resist it. They do not confront it. Most of the actions of the marijuana growers in our area are not an overt threat, but instead subtle recommendations and actions that the citizen go elsewhere, and they do.

BOOBY TRAPS

Booby traps are not a widespread problem. There is probably a dozen instances in the Ouachita National Forest, in the last couple of years, where the booby traps have been found.

But what is important is they have been widely publicized, those that have been found, and the public—you would rather not go out there. My dad knew that I was coming up here. He is 65 years old, and has lived in that area all of his life. He asked me to pass on to you that every summer he is used to going out and picking blackberries in the National Forest.

He said that he really felt uncomfortable about doing that now, and by himself, or have several other people go with him.

GUARD DOGS AND PATROL DOGS

Guard dogs and patrol dogs are gaining popularity and pose a real danger. Last summer, through a cooperative effort with the Forest Service, my office, and again, the other two counties were involved—located a plot of about 500 plants close to Lake Ouachita. That was on forest land adjoining Corps of Engineer land and the Weyerhaeuser Paper Company land.

The guard dogs were patrolling the perimeter of about a 20-acre section where they were growing the small plots throughout the 20 acres.

DOBERMANS

Most of the dogs that I found guarding the plots have been Dobermans and Pit Bulls, but I think what's also important, the grower, when he goes from his house, it may be 20 miles from where the plot is, will put any kind of a dog in the back of a pickup truck, 4-wheel-drive truck, a Jeep and drive him to the plot. The grower may have only five plants in this particular place he is going.

He will park his vehicle next to the road, the dog will stay on the road, so that he is a warning system for when the law enforcement come out.

DRUG LABORATORIES

The number of drug laboratories that have been seized in my area have increased several hundred percent over the last 3 years. Most of the drug laboratories are surrounded by or adjacent to, the National Forest, because they are looking for isolation. Most of those involved are moving their operations primarily into Arkansas from Texas, because the penalties have been so stiff down there.

I believe Texas has been getting the Omnibus Drug bill money for some time now. I know that we, in Arkansas, have not. But they have been getting it there. They have their task forces together, and driving the crystal methamphetamine labs on up into Arkansas.

The distinctive smell of producing the drug. Now once you smell the end result of crystal methamphetamine, or crack, you will never forget it. It is so distinctive, that once we smell it now, we can just go on and get the search warrant because we know it is there.

It requires that they be manufactured away from populated areas. I am not a chemist and I cannot really explain what you put in to the crystal methamphetamine, but looking at the containers, there is a poison label on just about every ingredient that they pour together to make the substance.

And the last lab that we took down was about 2 months ago. There was a considerable amount of chemicals there. The DEA contracted with a firm from Dallas, Texas to come in with the rubber suits, and special vehicles to transport the chemicals back to Texas.

We are finding a lot of portable laboratories in travel-type trailers, where they can set up in the forest, run three or four batches, and then pull out to another area maybe 50 miles away.

All it takes is a water supply, a portable generator, and they are in business. That is all I have on my statement, sir.

[The prepared statement of Mr. Carmack follows:]

Prepared Statement of James Carmack, Sheriff, Montgomery County, Arkansas

Our National Forests are our governments most prized possession. Only with the national forests do we get a glimpse of what the first settlers of this great nation experienced. To countless millions of Americans they provide a momentary retreat to that period of time when life was much less hectic; where they can experience a brief therapeutic reprieve from what has become urban America. But, for far too many visitors to the national forest today, their visit is not pleasant and many equate the dangers of their experience as being equal to or greater than those of the first settlers.

The nation's drug problem has spread at an increasing rate to our national forests. The Ouachita National Forest surrounding my home is graced with beauty and splendor enjoyed by many for years and years. Yet, today, natives and visitors alike are becoming more and more apprehensive about driving through remote forest areas, most will not leave their cars to walk through the forest. What causes this fear and what can we do about it?

A growing segment of our population is finding the production and sale of drugs a lucrative venture and statistics show that the chance of getting caught and convicted relatively slim. Although some improvement has been seen during the last three years in the enforcement capability in the national forests, resources are still dangerously inadequate and must improve.

There are five (5) areas that most concern our fellow citizens and what I see as the primary deterrents to the public use of national forest land.

Marijuana production, from the first of May to late October, is at

this time the greatest drug threat in the forest. Because of a mild spring season, we expect a bumper crop. Already over 6,000 cannabis plants have been located in our three county Task Force area.

Armed cannabis growers are responsible for keeping most of the visitors out of the national forest. The type of weapon they carry is not important, their mere presence is an overpowering psychological force that our citizens choose not to confront. Most of their actions are not an overt threat, but instead subtle recommendations that the citizen go elsewhere, and they do.

Booby traps are not a widespread problem although they are perceived by the public to be. The booby traps that have been found have been widely publicized and the public generally would rather stay out of the forest than take the chance of encountering booby traps.

Guard dogs and patrol dogs are gaining popularity and pose a real danger. They are used to patrol perimeters of cannabis plots and warn growers when someone is near. I have observed all breeds and sizes associated with growers but they mostly use Dobermans and Pit Bulls. Even those growers who cover several square miles planting small plots have dogs with them.

Drug laboratories seized in last three years up several hundred percent in or near national forest. Most of those involved are moving their operations from populated areas in Florida and Texas. The distinctive smell of producing the drugs requires that they be manufactured away from populated areas. We are finding drug producers leasing, or leasing with option to buy, property isolated in or near national forest. The incidents of portable laboratories is travel-type trailers which are easy to move around and conceal are also on the rise.

Another area of concern to me is paramilitary training in the national forest. During the last three years there have been several sightings of small groups with automatic weapons, strictly on the national forest, mostly in isolated sections such as game management areas.

RECOMMENDATIONS:

1. Increase Forest Service Law Enforcement Officer to at least one (1) full time per Ranger District.
2. Increase Cooperative Agreements with local Law Enforcement Agencies to provide one certified officer for each 250 square miles of national forest.

Senator HARKIN. Sheriff Carmack, thank you very much. Mr. Burril, welcome from Georgia. Please proceed with your statement.

STATEMENT OF LES BURRIL, SPECIAL AGENT, USDA FOREST SERVICE, CHATTAHOOCHEE AND OCONEE NATIONAL FOREST, GAINESVILLE, GA

Mr. BURRIL. Mr. Chairman, members of the subcommittees, I was asked to speak to you today about domestic marijuana cultivation in National Forests, and how it affects the administration of this public land and the public safety of the visitors to the National Forest. This is an important issue to me, and I feel that I am qualified to comment on this because of my present and past positions with the Forest Service.

To summarize, briefly, I was hired by the Forest Service in North Carolina after I had spent 2 years as a military policeman with the U.S. Army. Shortly thereafter, I became a district law enforcement officer, and remained in that role until 1983 in North Carolina. I was promoted to a special agent's position and was stationed in Ashville, North Carolina for 3 years. I participated in many eradication efforts in that State.

In 1986, I was again promoted and restationed in my current duty station at Gainesville, Georgia in the Chattahoochee and Oconee National Forest. This National Forest is approximately 900,000 acres in size, of which approximately 800,000 acres lie in the north Georgia mountains. We eradicated approximately 9,500 marijuana plants within the boundaries of the National Forest last year, and feel that approximately 16,500 were successfully grown and removed.

I basically have listed some serious incidents which have occurred in the National Forest since 1982. These incidents are incidents that I was involved in to some degree, or agents or officers that I know personally were involved, in the Arkansas, Georgia, and North Carolina National Forests.

In 1982, a Forest Service employee was confronted and threatened by a camouflaged, hooded individual with a firearm near a pot patch in Arkansas, and was forced to leave the area.

In 1983, two Forest Service officers were ambushed and shot in Arkansas as they were leaving their marijuana surveillance area.

In 1985, hikers were threatened by growers on the Chattooga District in Clarksville, Georgia, and forced to leave the area.

To give you an idea of how much time can be spent on a marijuana surveillance, in 1985, I was assigned 10 officers and spent 15 days, 24 hours a day, to keep close watch on 7 marijuana patches, of which we only had surveillance of one. There were several patches in that area, but we just set up on one to catch two Arkansas growers, one of which was on parole from doing the same thing previously. He had just got out of jail within about 1 year.

In 1985, we had \$145 million worth of cocaine dropped on the Georgia National Forest in an overflight, and had individuals riding through the area trying to pick the cocaine up, and our officers found the cocaine, and did talk to some of the individuals who were attempting to pick it up, who were certainly not from that area.

That same year, National Forests in North Carolina had two killings over dope, in which one individual had his head and hands cut off and removed. He has never been located to this day.

In 1986, a house was burned by what we suspect were growers, after the owner reported a pot patch in the National Forest near Suches, Georgia.

Marijuana was dropped over Georgia, North Carolina, and South Carolina on an overflight as a customs plane followed this plane into the area, and it found that the Customs' plane was on its tail, so he dumped the marijuana out all the way across the three-State area, and while it was a problem to pick it up, we also had other individuals in the area trying to find it and remove it before we got it.

Senator FOWLER. Tell them about the bear that found some of that cocaine.

Mr. BURRIL. That was the \$145 million cocaine drop. The bear, a Georgia black bear, found it before we found it, and we found the bear after he had eaten a minor amount of it because it was completely uncut, and it killed him in his tracks.

Senator FOWLER. Is that right?

Mr. BURRIL. That is correct. In 1986, a contractor had his vehicle burned while in the National Forests in North Carolina as he was working away from that vehicle, after he had reported a marijuana patch in the area.

In 1986, when I arrived in Georgia, I arrived in the midst of an investigation which was handed to me, where potgrowers in Greenville, Georgia had threatened three of our separate logging operations. They had gone into the actual logging operations during the day, without masks, without any kind of camouflage, and threatened these individuals to pay them back for stealing marijuana. They believed that the loggers had stolen and tried to force them to pay \$30,000 for the missing dope, or take their equipment, or their body parts which they threatened to remove.

In Arkansas, that same year, we had a booby trap explode on two hunters, and seriously injuring one of them. Both were injured but one seriously, a debilitating injury.

In 1987, in the Rabun County section of Georgia, our eradication helicopters were shot at by a grower with a high-powered rifle. We located documents in the house which indicated that patches would be grown in three separate States—North Carolina, South Carolina and Georgia. We seized several firearms and ammunition, along with sophisticated police radio scanning devices out of the house that had all of our frequencies in them—Forest Service and GBI, GSP.

And this year, so far we have had one man shot and killed in the National Forest in Rabun County over a dope deal, and it is not unusual for us to find animal traps, but these are traps that are not really—we have had some fishhooks, but animal traps in the trail to it—in other words, so that when someone steps on it they will leave. It is not anything that would really do serious injury to you.

But we do find a lot of strings across a trail which will certainly slow down any of the casual visitors.

Currently we have several patches located with 10 to 400 plants in them. Some patches have protective fences. All of them have been fertilized. Some are close to houses with dogs which makes it very hard to approach for eradication or for surveillance.

We have one grower who is currently transplanting from a seedbed to a clearcut. He is armed with a shotgun. And I was restating, the drug lab that was seized, that Mr. Carmack found in his county. But I believe that this will give you a brief overview of the marijuana cultivation in the Southeastern United States, and the ramifications thereof.

I will be happy to answer questions you may have about these incidents, or I can provide greater detail.

[The prepared statement of Mr. Burril follows:]

Statement of Les Burril, Special Agent of the USDA Forest Service, stationed in Gainesville, Georgia.

Mr. Chairman, members of the Committee, I was asked to speak to you today about domestic marijuana cultivation on National Forest and how it affects the administration of public land and the public safety of the visitors to it. This is an important issue and feel that I am qualified to comment on it because of my present and past positions with the Forest Service. To summarize briefly, I was hired by the Forest Service in North Carolina after I spent 2 years in the U.S. Army M.P. Corps in 1976. Shortly thereafter, I became a District Law Enforcement Officer and remained in that role until 1983. I was promoted to a Special Agents position and was stationed in Asheville, North Carolina, for 3 years.

In 1986, I was again promoted and stationed in my current duty station of Gainesville, Georgia, on the Chattahoochee-Oconee National Forest. This National Forest is approximate 900,000 acres in size of which approximately 800,000 acres lie in the North Georgia Mountains. We eradicated approximate 9,500 marijuana plants within the boundaries of the National Forest last year and feel that approximately 16,500 were successfully grown and removed.

I have listed some serious incidents which have occurred on National Forest since 1982. I have included incidents from Arkansas, Georgia, and North Carolina, that either I investigated or that agents and/or officers I know personally investigated:

1982 -- Forest Service employee confronted and threatened by camouflaged, hooded individual with firearm near pot patch in Arkansas.

1983 -- Two Forest Service officers ambushed and shot in Arkansas as they left a marijuana surveillance area.

1985 -- Hikers are threatened by growers on the Chattooga District near Clarksville, Georgia.

-- 15 days, 24 hour per day, surveillance to catch 2 Arkansas growers (second offense).

-- \$145 million worth of cocaine dropped on the Georgia National Forest in overflight.

-- Two killings on the North Carolina National Forest over dope.

1986 -- House burned by growers after owner reported pot on the National Forest in Suches, Georgia.

-- Marijuana dropped on Georgia, South Carolina, and North Carolina National Forest in overflight.

-- Contractor has vehicle burned on North Carolina National Forest after reporting pot patch.

Page 2

-- Pot growers threaten 3 separate logging operations and offer \$5,000 for information about Forest Service timber marker near Greenville, Georgia. Tried to force them to pay \$30,000 for missing dope.

-- Booby trap exploded by 2 hunters in Arkansas seriously injuring 1.

1987 -- Eradication helicopters shot at by grower with high powered rifle in Rabun County, Georgia. Located documents indicating patches in 3 states. Much ammo, firearms seized from house along with sophisticated police radio scanning device.

Rabun

1988 -- Man shot and killed on National Forest in Rabun County, Georgia, over dope deal.

Not unusual to find animal traps on trail to patch. Strings also.

Currently -- Have several patches located with 10 to 400 plants in them.

-- Some patches have protective fences.

-- All have been fertilized.

-- Some are close to house with guard dogs.

-- One grower is currently transplanting from the seed bed to a clear cut. He is armed with a shotgun.

-- Drug lab recently located on National Forest in Arkansas (numerous auto and sawed-off weapons seized, \$2.5 million in drugs, 5 vehicles).

I believe this will give you a brief overview of marijuana cultivation in the Southeastern United States and the ramifications thereof. I will be happy to answer any questions you may have or provide greater detail on these or other incidents you may know of.

Senator HARKIN. Mr. Burril, thank you very much. And last we have Mr. Pepmiller, Sheriff of Ripley County, Missouri.

STATEMENT OF NICK PEPMILLER, COUNTY SHERIFF, RIPLEY COUNTY, MO

Mr. PEPMILLER. Thank you, Mr. Chairman. Mr. Carmack has covered some of what I had wrote down here. I would like to say that Ripley County has approximately 630 square miles, contains approximately 93,000 acres of National Forests. I started—in 1981, I took off, as I started the marijuana eradication program, and in the last 3 years—1985, 1986, and 1987—eradicated 82,500 plants—58,700 of those plants were on Forest Service land.

I would like to add: I must say, if it was not for the money that I received from the Forest Service I could not operate this marijuana program.

It buys fuel for helicopters and provides informant money. I have worked very closely with the Departments of Forest Service, Highway Patrol and DEA. Without their assistance I could not operate this program.

Senator HARKIN. Can I just interrupt here, Mr. Pepmiller. Now the Forest Service gave you money, in your sheriff's department in Ripley County?

Mr. PEPMILLER. Yes, sir.

Senator HARKIN. And then you went right on Forest Service land to seize these plants and destroy these plants?

Mr. PEPMILLER. Yes, sir. That is where most of the plants are, sir.

Senator HARKIN. You said 57,000 out of 82,000?

Mr. PEPMILLER. Yes, sir.

Senator HARKIN. I see. I just wanted to get that clear.

Mr. PEPMILLER. I looked for—like I said, the sheriff covered some of the information, and there is no need in me repeating what he has already said. But I look for a bumper crop of marijuana on the National Forest this year, according to the informants, and I would like to add, if the gentlemen would like to pay us a visit I would be glad to take you on a tour of Ripley County and show you our problems down there some time. I thank you, Mr. Chairman.

Senator HARKIN. I assume Ripley County must be down in what, southeastern Missouri?

Mr. PEPMILLER. It is approximately 175 miles from St. Louis, south/southwest from St. Louis, approximately 13 miles from Doniphan, which is my hometown, approximately 13 miles from the Arkansas line.

Senator HARKIN. Got you. I was just looking on the map.

Senator FOWLER. So you're Cardinal fans, not KC fans?

Mr. PEPMILLER. Yes, sir.

Senator FOWLER. Not Razorback fans, I hope.

Senator HARKIN. Mr. Packwood. You have been here for some time. Again, welcome, and I have your prepared statement, and if you could summarize it briefly, I would appreciate it.

STATEMENT OF FRANK G. PACKWOOD, SPECIAL AGENT, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE, SHASTA-TRINITY NATIONAL FOREST, REDDING, CA

Mr. PACKWOOD. Thank you, Mr. Chairman. The information which I am able to provide, in most part, is specific to California, and in general to the West, but I am sure you'll find parallels with everything that my counterparts here have spoken to. While marijuana cultivation techniques seem to be spread across the United States, those techniques tend to be confined by environmental factors, and by a relatively limited source of printed material regarding both growing and protection techniques, that generally results in a similar operation irrespective of the part of the Nation we are in.

In the West, growers tend to employ booby traps more frequently than perhaps the other areas, but in the final analysis, irrespective of the techniques used, growers are dangerous people, and it makes no difference what part of the country you encounter them in.

Their targets generally fall into one of three categories: the visiting public, the unknowing; industrial workers whose livelihoods are carried on in the forests; people who have range land permits and graze cattle; people who have logging operations; and then lastly, with the governmental agencies that have regulatory responsibilities or management responsibilities in the National Forests.

More specifically, confrontations between hikers, fishermen and hunters, at least in the Shasta-Trinity National Forest where I am from, account for approximately 15 to 20 reported incidents per year, where there have been some type of confrontation.

To appreciate the effect that has on the visitors, however, you have to understand that the bulk of those reports are made usually 6 to 8 months after the actual incident.

Senator HARKIN. Why is that?

Mr. PACKWOOD. They want to be quite certain that their association with the particular geographic area, or with an individual, has had adequate time to heal before they actual come forward.

Senator HARKIN. Afraid he will come after them.

Mr. PACKWOOD. Exactly. The intimidation factor is truly perceived by those people that have been confronted. In the logging industry, arson to logging equipment has been quite common, cut hydraulic lines, sand in the engine crankcase, all serve as reminders to industry that what they may see had best remain unreported.

Utility companies who routinely conduct aerial reconnaissance of their facilities which cross over National Forest lands seldom, if ever, make any reports about cultivation activities, even though those activities occur within their very rights of way.

Wildlife surveys, timber marking, and redemption of other management responsibilities of the Forest Service are often delayed, or reoriented until the area can be made safe or until it can be determined that there is adequate safety for our personnel to be involved.

Basic responsibilities such as fire-hazard inspections, health code and building code monitoring, in some areas has not been done for years, simply because of the perceived threat of cultivation activity.

The Shasta-Trinity National Forests encompass in excess of 2 million acres of some of the most gorgeous and productive forest lands in California, and receive approximately 5 million visitor-use days each year.

At the same time, the forest has the distinction, if you will, of being the second-largest producer of cannabis of any National Forest in California, all 17 of which do have cultivation activity at some level in each forest.

[The prepared statement of Mr. Packwood follows:]

STATEMENT OF FRANK G. PACKWOOD, SPECIAL AGENT, FOREST SERVICE, UNITED STATES
DEPARTMENT OF AGRICULTURE

Mr. Chairman, members of the Committee, the information which I am able to provide, while representative of Cannabis cultivation in California specifically and the Western States generally, does not differ substantially from that of my counterparts in the Midwest and the Southeast. Cannabis cultivation is a National problem and a common problem irrespective of geographic area. Environmental factors as well as printed matter relating to cultivation and protection techniques create a relative similarity in operations.

In the West, growers tend to employ booby traps more frequently than in other areas but in the final analysis, growers have a potential fortune at stake and irrespective of the tactics employed they are a dangerous people. Their targets generally fall into one of three categories: The visiting public who, in pursuit of recreation, visit the National Forests, the industrial workers whose livelihood involves commercial operations within the Forests and Government workers whose responsibility includes management and regulatory activities within the National Forests.

More specifically, confrontations between hikers, fishermen, hunters and Cannabis growers account for approximately 15 to 20 reported incidents annually on the Shasta Trinity National Forest alone. Most reports however, are in excess of six months old at the time of receipt, a reflection of the intimidation felt by those courageous enough to eventually contact authorities. The number of confrontations which go unreported is unknown. The deterrent to public use of the lands is easily recognized in the questions of the arriving Visitor who asks, "Where can I take my family.....that it's safe?"

Arson to logging equipment, cut hydraulic lines, sand in the engine crankcase all serve as reminders to industry that what may be seen had best go unreported. Utility companies who routinely conduct aerial monitoring of their facilities seldom, if ever, report cultivation activities, even when in their own rights of way. The cost of damaged equipment and potential retribution is too great.

Wildlife surveys, timber marking and redemption of other management responsibilities of the Forest Service are delayed and redirected as a result of safety risks associated with Cannabis cultivation. Basic responsibilities such as fire hazard inspection, health code and building regulation have gone unredeemed for years in some areas as a result of the cultivation influence. In essence we as an agency, a community and a society have been compromised.

The Shasta Trinity National Forests encompass in excess of 2 million acres of the most scenic and productive public lands in Northern California, receiving nearly 5 million visitor use days annually. At the same time, the Forest has been renowned as the second largest producer of Cannabis of any of the State's 17 National Forests, all of which have experienced cultivation activity. California coincidentally is the second largest producer of Sensemilla Cannabis plants in the Nation.

While the interagency CAMP (Campaign Against Marijuana Planting) program, in which the Forest Service has an integral part, has enjoyed dramatic success in eradication efforts, cultivation activity continues. Eradication with its incidental arrests is not the answer. In 1986, 70 per cent of the State's 872 arrests for Cannabis cultivation became Law Enforcement releases, complaint denials or Court dismissals. Law Enforcement has failed to establish a deterrent to cultivation activity and has become in the eyes of the grower, "just another business expense".

The solution lies in increased arrests, thorough investigations, aggressive prosecutions and sentences that clearly establish a deterrent to the temptation to spend six months and "earn" one half a million dollars, tax free!

When one considers the potential profits to be realized, the rationale for setting a fragmentation hand grenade with a tripwire across the trail (Shasta Trinity NF, 1983), wiring the plants with a high order explosive (Klamath NF, 1986) or setting an armed pipe bomb in a cultivation site (Eldorado NF, 1987) is considered "reasonable protection" by the growers. More mundane measures such as pit bull guard dogs and tripwire shotshell devices are common.

The only officer involved shooting in the history of California Cannabis eradication occurred in 1985 on the Plumas National Forest when a grower, confronted by a surveilling Sheriff's Deputy, aimed a shotgun at the Deputy and began to function the weapon. Forest Service Law Enforcement Officer Tom Rowland fired his weapon in defense of the Deputy, fatally wounding the grower and saving the life of the Sheriff's Deputy.

In 8 years of personal involvement in Cannabis eradication and investigation activity, my experiences indicate that the solution does not lie within the resources or capability of any single agency. To the fullest extent possible, all agencies, Federal, State and Local, cooperating in a totally coordinated effort will only stem the tide until such time as education eliminates the demand for Marijuana.

Senator FOWLER. Mr. Packwood, may I interrupt you. Just in the interest of time, we are going to have a vote here in about 15 minutes, and we'll have to end. So if I may commend all—with the indulgence and permission of the chairman—commend all four of you on your public service, and I thank you for being here.

Mr. Burril, as a special agent, as one of 150 special agents of the Forest Service, what is the usual followup procedure under existing laws when you discover a patch of marijuana on Forest Service land? What do you do?

What are you trained to do, and what is the law?

Mr. BURRIL. If we determine who the grower is, up until 1986, we would either refer that case to DEA, or to the State Bureau of Investigation, that being the GBI, and they would assist us with it. But this was not an issue until 1986, and we routinely looked into who was growing dope on National Forest, outside the boundaries.

Senator FOWLER. What made it an issue in 1986?

Mr. BURRIL. The Drug Control Act of 1986.

Senator FOWLER. It says what?

Mr. BURRIL. It says that we will not leave the National Forest boundary to investigate further drug violations.

Senator FOWLER. All right. Now you have got two sheriffs here from Arkansas and Missouri. If you were working in the National Forest down in Arkansas, and you discover this plot, you see somebody running from it, you chase him but he runs out of the forest—then what do you do? Who do you go see first?

Mr. BURRIL. Well, 9 times out of 10 the sheriff would be involved with us on these eradication or surveillance activities.

Senator FOWLER. That is, nationwide, that the Forest Service has developed a good link with the local sheriffs as to instigate the eradication program?

Mr. BURRIL. Sir, we have cooperative agreements with most sheriffs that have National Forest in their land, in their county.

Senator FOWLER. And to what extent is the Forest Service funding the operation that Sheriff Pepmiller described?

Mr. BURRIL. In Georgia, we have approximately \$36,000 available to—I believe 11 sheriff's departments—for routine patrol on National Forest—that is, patrolling of recreation areas and high use, dispersed recreation areas where we get a lot of visitor use, like the Chattooga River section or the Chattahoochee River, Winfield Scott area.

Senator FOWLER. Well, I guess I ought to ask Sheriff Pepmiller: what do you use the money you get from the Forest Service for? How much is used, if any, to pay your men? What do you use for informant money? How do you use it?

Mr. PEPMILLER. Most of the money is used for fuel for a helicopter. That is the way I locate most of the marijuana. I would say approximately maybe—like this year it is \$6,000 I get, approximately, \$1,500—and I am just guessing, it depends on how many informants come forward with good information.

Senator FOWLER. But you do use it for buy money?

Mr. PEPMILLER. Yes, sir.

Senator FOWLER. Informant money?

Mr. PEPMILLER. Yes, sir.

Senator FOWLER. You probably do not even know, or you may. Do you know what Forest Service account that money comes out of?

Mr. BURRIL. It comes to us as cooperative law enforcement money and is earmarked for that purpose, and we disseminate it throughout the geographical boundary on a needs basis.

Senator FOWLER. Well, go back to my original—I am the one that is interrupting myself, and you, too. If you're in hot pursuit but the guy runs off the land, you do not have the authority, since 1986, to go catch him and arrest him.

So is your usual procedure, if you do not have a cooperative program with the sheriff, what do you do?

Mr. BURRIL. Contact the GBI.

Senator FOWLER. You usually go to them first?

Mr. BURRIL. If the sheriff is with us, we will continue through the investigation at that point. But if we are in hot pursuit, he runs—then, you know, I'll argue the point that we have that authority to follow the guy until he stops or until we lose sight of him.

Senator FOWLER. And then turn him over?

Mr. BURRIL. Exactly.

Senator FOWLER. Turn the surveillance over to somebody else?

Mr. BURRIL. Right. But if we do have to go and interview people off the National Forest, we either get GBI or the sheriff, but as the sheriff will tell you—each of these sheriffs here have one deputy apiece, and they really have no manpower capabilities to assist us for very long on any of these investigations.

So we rely on other agencies who have drug enforcement jurisdiction for that particular area also.

Senator FOWLER. Well, as we heard described earlier, usually the guys who are running, or the guys that you're going to catch on the land are the \$200-a-day pickers and not the growers.

Who usually assumes the lead responsibility for an investigation to find the owner, the grower of that patch that you discover on the land?

Mr. BURRIL. It would be the State agency.

Senator FOWLER. The State agency? What State agency?

Mr. BURRIL. The State Bureau of Investigation.

Senator FOWLER. GBI, in our case, Georgia Bureau of Investigation.

Mr. BURRIL. The Georgia Bureau of Investigation, the State Bureau of Investigation.

Senator FOWLER. And under the law, under the present Federal laws, there is no prohibition of State or local law enforcement authority, such as these sheriffs, coming on the Federal land to either destroy or arrest?

Mr. BURRIL. They have concurrent jurisdiction over all National Forests.

Senator FOWLER. And that is Federal concurrent State jurisdiction nationally? There are no exceptions to that?

Mr. BURRIL. Yes, sir.

Senator FOWLER. You heard the discussion—and then I'll turn it over to him and let him pursue it—that Senator Harkin had with Mr. Rice on the adequacy of the resources.

If we change the law, and allowed you to leave our land to pursue these investigations, in your opinion, as the man on the ground, are the resources adequate?

Mr. BURRIL. We have—I have 13 law enforcement officers who work indirectly for me on 900,000 acres.

Senator FOWLER. These are non-Federal or Federal people?

Mr. BURRIL. These are Federal, work for the Forest Service, indirectly for me, in a law enforcement capacity. Two of these officers are full-time. They provide a full-time law enforcement service for the particular district that they're hired on.

I have about three that are 75 percent, and the rest are 50 percent or less, and we have not been involved in surveillances other than on a sporadic occasion when DEA authorized us in Arkansas, and we are just now gearing up to do that, and I can find out within this growing year whether we will be able to handle the problem.

Senator FOWLER. But it seems to me, and we are trying to get a good overview of the problem, that the resources on the Park Service land for surveillance, apprehension—the surveillance, detection, apprehension, all of that—is vastly different from the kind of investigation that will be needed to find a grower off the land.

I mean, the grower may live four States over. And I guess what Senator Harkin was asking, as well as I am, is whether or not the Forest Service intends on pursuing that investigation itself, and being the lead team in what could be a multi-State investigation, or are you looking for the authority to simply leave the land, continue it as far as you can, and then turn it over to the State or the FBI, or whoever?

Mr. BURRIL. That would be my assumption as to what we would do. We would continue the investigation as long as it stayed within the geographical area of which I can investigate, but I am the only agent in Georgia for the Forest Service, and along with investigative responsibilities, I also have administrative and internal investigations which I am required to do, which I could not pick up and go two States away for any period of time.

Senator FOWLER. But I take it—and this is very encouraging to us all, I am sure—that the Service's cooperation, especially with the local sheriff's department, and local law enforcement has been very good?

Mr. BURRIL. We absolutely depend on it and could not do the job without it.

Senator FOWLER. Tom.

Senator HARKIN. Very good. Thank you very much. I welcome the distinguished Senator from North Carolina to this hearing.

Senator HELMS. Thank you, Mr. Chairman. I get so discouraged when I hear what you folks are going through, and what you're trying to do with. I compliment you for doing the best you can, but the fact is that you're still going after a rhinoceros with a fly swatter. You do not have enough to do with, and I think the American people, and the representatives of those people, have got to make up our mind what the priorities are.

And of course we have illegal drugs being flown in here from Central America and everywhere else. We have it being produced. I am not sure what the number one money crop in North Carolina is

right now. They say it is tobacco, but I am not sure about that, not with what I hear about marijuana.

Let me ask what may appear to you to be a frivolous question, and let me assure you it is not.

Suppose you were in charge in a system where all you had to do was push the button. What would be your priorities in solving this problem? What would be the first thing you would do?

Mr. CARMACK. Increase manpower.

Mr. BURRIL. Manpower and logistical.

Mr. PEP MILLER. More manpower.

Mr. PACKWOOD. A shift of focus—maintaining eradication efforts, but truly stepping up the long-term thorough investigative efforts.

Senator HELMS. Well, how about the penalties for violations of this? What would you do about those? In Saudi Arabia they cut off your hand. Now we are not going to do that in this country, but Mrs. Bush was telling my wife and some others about visiting in a country, and they execute them, publicly, when they get involved in drugs and are convicted.

And Dot asked Mrs. Bush, so how many have they executed? and she said two, and do it pretty quickly. So, you know, this sounds mighty strong, but we either have got to give you folks enough to do with, or acknowledge that we are not going to handle the problem.

Mr. CARMACK. Mr. Helms, the punitive effort, or the punitive guidelines are out there. The sentences are harsh enough, you know, depending on the amount that is being grown. Over a 100 pounds is so much of a penalty, and all of that.

Senator HELMS. What is the penalty for over 100 pounds?

Mr. CARMACK. I would say over a 100 pounds is probably 15 years.

Senator HELMS. Fifteen years. And one-fourth of the minimum term—you know. There you go.

Mr. CARMACK. You go back down to the minimum—I have convicted one man for growing two plants. He was cultivating or working on two plants.

Senator HELMS. That you knew of.

Mr. CARMACK. His was a 10-year sentence.

Senator HELMS. Ten years?

Mr. CARMACK. Yes. The problem is, in the present system they do not stay as long.

Senator HELMS. There you go.

Mr. CARMACK. I put more time into the investigation, with me and my people, than he spent in prison.

Senator HELMS. How much would it cost to—in terms of multiples of what you are spending now—to get a handle on this? Ten times as much? Twenty times as much?

Mr. CARMACK. In terms of the resources that we have—

Senator HELMS. I am talking about all of you. You know, we are talking ballpark figures, and probably that is not a fair question for me to ask of you without giving you some time to reflect upon it.

Mr. CARMACK. I look at two times as much, or three times as much as being a tremendous gain.

Senator HELMS. And you would spend most of that on what?

Mr. CARMACK. Again, I have got to look at manpower, somebody to do the job, somebody qualified to do the job.

Senator HELMS. Right.

Mr. CARMACK. Outfit him, give him the radio, the types of weapons he'll need, the capability to travel. The informant fund, to pay the informants, because normally you're going to be dealing with informants, the same type of individual that is out there growing. He just decided to get his money that way.

Senator HELMS. Well, of course once you start having enough to do with, then those who otherwise would participate will become less encouraged to get into it, and so I can understand that. My father was a law enforcement officer before I was born, and I do not see how—well, I'll put it this way. My father could not have coped with what you folks have to cope with.

Senator FOWLER. Will the gentleman yield.

Senator HELMS. Yes, sir.

Senator FOWLER. In line with what Senator Helms was saying in your discussion about the sentencing procedure, would you recommend us adopting a mandatory minimum sentencing term for illegal drugs grown on Federal property? Would that help as a deterrent, in your law enforcement opinion, if the word went out that there would be—

Mr. PACKWOOD. Senator, if I might respond to that.

Senator FOWLER. Please.

Mr. PACKWOOD. Certainly Federal public lands are currently attractive for cultivation activity, perhaps the most attractive of any lands in the United States. Anything that could be done to enhance the penalties associated with cultivation on those lands is bound to assist.

Senator HELMS. Mr. Chairman, did you cover before I got here whether this is going on in all lands? You mentioned Weyerhaeuser. How about the wilderness areas? Is this same sort of thing going on everywhere in the forests of this country?

Mr. CARMACK. Yes.

Mr. PACKWOOD. Yes.

Senator HARKIN. I have a map here, if you want to look at it. These are reported cases of marijuana grown in the United States. These are just reported.

Senator HELMS. That is the point, Mr. Chairman. You know, that is just the tip of the iceberg, I am sure.

Senator HARKIN. That is reported, right there.

Senator HELMS. Yes.

Senator HARKIN. Well we had an estimate from the Forest Service, that last year they eradicated 450,000 plants. Because of, later on, finding plots where the plants had already been harvested, through information and other things, they estimated that that was about 40 percent of the totals.

They're estimating about a million plants were grown last year, which even through the means that they have, they estimate about 40 percent was detected. So there is still a lot being grown all over the United States in the Forest Service lands, and that is what we are trying to get at.

Senator HELMS. Mr. Chairman, I wish these gentlemen—and any law enforcement officer anywhere across the spectrum—if they

have any further thoughts on it, to drop one of us just a personal note. I think so often about it when I make a speech, that the best speech I make is the one I make while driving home. You can think of a 100 things that you wish you had said, or been able to say, or had time to say here today. But I personally appreciate very much all of you coming, and if you need any help—we need help, and maybe you need ours as well.

Senator HARKIN. Again, I just want to thank all of you for coming, and for the help and assistance of the Forest Service.

Just maybe to sum it up before the bells ring here: there is a problem in our National Forests. It is a growing problem. Every year, more and more people are moving in, they're growing marijuana, and not only marijuana. The drug labs—methamphetamine labs. I do not even know what it is. But the labs are being used.

Senator FOWLER. It turns it into cocaine.

Senator HARKIN. Is that what it is? Methamphetamine labs. For example, the pictures which I just showed you—if you'll just pass those to me—we just got these this morning. This is from Oregon. Sheriff Arnado of Josephine County sent these in. This is a 50-caliber rifle with the scope on it, and this is a 50-caliber machine gun that they found with an individual.

The letter states, "The suspect was manufacturing large amounts of methamphetamines for the Hell's Angels motorcycle club. We seized in excess of 50 weapons from this individual, 13 of which were fully automatic. Also seized from this subject were approximately 3,000 .50-caliber rounds in belts for this machine gun. In addition, we seized in excess of 50,000 rounds of ammunition for the seized weapons. Also seized from this subject were sophisticated night vision devices and night scopes for the weapons, silencers for the weapons, and approximately 50 handgrenades."

Senator HELMS. Can I ask where that gentleman resides now? What sort of sentence did he get?

Senator HARKIN. I do not know. I cannot answer that question. This is something very recent so I assume—

Senator HELMS. It came in this morning.

Senator HARKIN. It came in this morning. So I assume that he is under indictment, but I do not know where he is right at this point in time. I am sure, if you want to call Sheriff Arnado, he would probably tell you where this individual is. I do not know where he is.

But again, I point out that the problem is growing and it is getting more severe, and what's happening is that there is an intimidation of the public. As I said earlier, last summer my wife and my kids and I went out to several National Forests and first became aware of this problem. So people are being intimidated into not going out there and camping, and that makes the place even more remote because no one goes in there.

Last year the Forest Service posted 1 million acres as off-limits to the public, not because of natural hazards but because of the dangers associated with drug production. One million acres they posted off-limits.

So the public is being intimidated into not using the resources. Fishermen, hunters, campers, hikers. And we have three agencies

involved. The Forest Service, the DEA, and the State agencies, the sheriff's department of the local counties.

There appears to be some problems in melding these three together to form a really cohesive unit, to survey, to eradicate, and to track down these people beyond just the growers, the planters themselves, the harvesters, but the people that are actually growing this cannabis.

I can assure you that this subcommittee, along with Chairman Fowler's subcommittee, and the Judiciary Committee—we will be looking at what changes might need to be made in the Drug Enforcement Act to give the Forest Service the kind of tools they need, for example, to engage in hot pursuit.

I know that Mr. Burril says that he feels he has that authority. I think perhaps the authority ought to be made more crystal clear, that they do indeed have that authority, and that whatever resources that need to be brought to bear on this are made available.

Perhaps we'll know a little bit more this year, since this is the first full year of these enforcement activities—perhaps we'll have a better picture later on this year of just what resources we need to apply.

Thank you all very much, again, for your public service, for what you're doing. I know it is not an easy task, it is not a pretty task, it is a dangerous task, but we compliment you and just keep up the good work.

Senator FOWLER. I concur. Thank you all very, very much.

Senator HELMS. I say, again, I really would like to hear from you on any further thoughts you have because you're out there on the firing line, and otherwise, we would never catch them. Thank you, Mr. Chairman.

Senator HARKIN. Thank you. The subcommittees will stand adjourned.

[Whereupon, at 11:35 a.m., the subcommittees adjourned, subject to the call of the Chair.]

[Material submitted for inclusion in the record follows:]

PUBLIC SAFETY ISSUES
SURROUNDING THE PRODUCTION OF MARIJUANA
IN THE NATIONAL FORESTS

Cannabis (marijuana) cultivation is a growing problem for the U.S. Forest Service. In 1985 cultivated marijuana existed in almost every National Forest. In 1980 approximately five percent of the cultivated marijuana grown in the United States was grown in the National Forests. By 1985 that number had increased to over twenty percent. The increase is due in large part to increased use of federal and State asset seizure laws which confiscate the land on which marijuana or other drugs are produced.

Illegal drug production in the National Forests has deterred the Forest Service in the accomplishment of its basic mission -- to maintain the National Forests for public use. Approximately 400 incidents of assaults or intimidation against Forest Service employees or public visitors to the National Forests by suspected marijuana producers are reported annually. Approximately 100 "booby traps", potentially lethal and designed to harm persons who enter the gardens, are found annually in the National Forests. Growers are often armed, particularly during the period just before harvest. Intimidation tactics used by many marijuana growers have made almost a million acres of National Forest lands unsafe for public use and unsafe for Forest Service personnel to manage the resources on these lands. The potential for violence and physical harm to the public and Forest Service employees is high due to these and related circumstances. Even small communities within and adjacent to the National Forests have been subjected to intimidation and harassment by criminal elements living and doing their business in the community.

Assaults and intimidation are a serious problem. A female Forest Service biologist attempting to check a remote stream preparatory to a proposed timber sale by the Forest Service got too close to a marijuana garden and was fired at by a grower. The shooting continued even after she got to her pick-up truck to escape (see photos that follow). Two hunters in Arkansas encountered a booby trap (land mine) when hunting near a National Forest. Both were seriously injured. In another incident a family living in a small community adjacent to a National Forest was held hostage, threatened, and intimidated, by a grower of marijuana in the National Forest.

--2--

Booby traps, as seen in the attached photos, range from the simple to the ingenious. All have the same objective, to injure, harm or even destroy. The simple booby traps include fishhooks hung from tree branches dangling at eye level, punji sticks in pits covered with leaves, spikes in the path and roadway, and razor blades inserted in the stems of cannabis plants; all designed to protect against "patch pirates" and other intruders. The complex include monofilament trip wires in the paths attached to pipebombs, crossbows, shotgun devices and other explosive or incendiary devises.

Forest Service employees as well as National Forest visitors have reported incidents where they encountered armed guards who threatened them, in many cases asserting that they were on private property. The illegal weapons, incendiary devices and armor piercing armaments found include the following: anti aircraft weapons, AR-15, Uzi and MAC 10 machine guns in addition to AK-47's (made in North Korea), British sten guns, sawed off shotguns. Frequently attack dogs, some with electronic collars, are found in the cannabis gardens and patches. Growers have become sophisticated, using seismic sensing devices to warn the grower of patch intruders. Growers have also used helicopters and other low flying aircraft to guard their plants and to determine the relative ease of detection by law enforcement officers.

The economics of marijuana production are a determining factor in encouraging this illicit trade. After forest fires in late 1987 destroyed substantial numbers of cannabis plants, marijuana growers were able to sell their product to wholesalers for as much as \$3600 to \$4,000 per lb. It is suspected that some of these fires were the work of arsonists whose sole purpose in setting the fires was to eliminate another grower's marijuana crop. With one well-manicured cannabis plant capable of producing several pounds of marijuana, plant yields are significant. Seedlings, readily purchased from hot house growers at a cost of about 20 cents a piece, come in containers and trays just like tomatoes, peppers and other home grown vegetables. Equipment costs, including fertilizers, water hoses and PVC tubing, filters, timing devices, pesticides and so on, cost relatively little. This makes profit margins high, even when the owner/investor hires laborers for \$200/ day when needed.

Twenty to forty percent of domestic sensimilla, a high potency marijuana, is grown in the National Forests. In fact the best marijuana in the world is grown in Northern California in an area commonly known as the "Emerald Triangle". A person living abroad has to export this marijuana from the U.S. if he or she wants to smoke the best premium grade marijuana available. Although exporting marijuana from the U.S. is in violation of international

--3--

treaty agreements several journalists have suggested that such a trade in fact exists.

In addition to marijuana seizures last year the Forest Service also discovered 83 clandestine labs in the National Forests set up to produce PCP and methamphetamine. Three opium sites were also discovered with a total of 80 plants.

Ecologically speaking cannabis cultivators are dangerous to the environment of the National Forests as well. Large quantities of rodenticides were found at almost all of the gardens. High potency nitrogen fertilizers used in all marijuana gardens frequently gets into water supplies, threatening fish and other aquatic life. Game animals, especially deer are frequently destroyed to prevent their damaging the cannabis plants. Even timber sales and harvesting have been halted to avoid confrontations with marijuana growers.

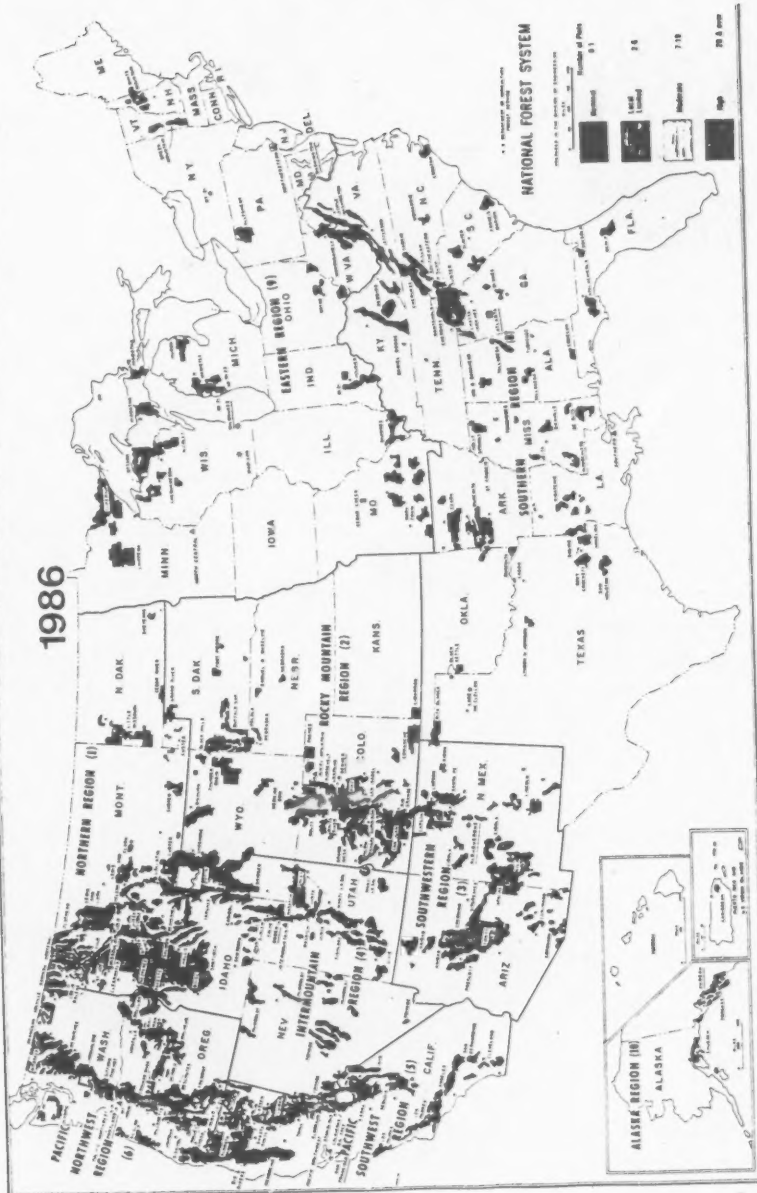
Although the Forest Service destroys a quarter million marijuana plants annually, it is successful in identifying and destroying only forty percent of the plants grown in the National Forest. Of those gardens that are detected arrests are made in only a small percentage of those cases. Prosecutions and subsequent incarceration are even smaller percentages. Hence, the odds of a grower doing time in jail are very low. Financial penalties of no more than \$50,000, cause many growers to assess the potential risks and rewards in very favorable terms.

Compounding the Forest Service's problem is the limited law enforcement authority which it has over drug violations which occur within the National Forest. Although Forest Service law enforcement authority involving other crimes is not limited to the boundaries of the National Forest, it is restricted in drug cases. This restriction, according to the U.S. Attorney for Oregon, may jeopardize successful prosecution of many drug violations that the Forest Service identifies (see memo attached).

Editor's Note: The photographs and memo are retained in the subcommittees' file. The memo referred to is part of previously submitted material for the record. Please refer to the letter of Charles H. Turner, U.S. Attorney from Oregon in the contents.

Cultivated marijuana is found in almost every U.S. National Forest. See attached map that follows:

REPORTED RELATIVE CANNABIS CULTIVATION OCCURRENCE



Note: Please refer to subcommittee file for color coded map.



CAMP

CAMPAIGN AGAINST MARIJUANA PLANTING

P.O. Box 161089 • Sacramento, CA 95816 • Telephone: (916) 739-CAMP

FACTS ABOUT CANNABIS AND MARIJUANA

1. It takes approximately 100 cannabis seeds to weigh one gram (44,800/lb.)
2. One plant can produce as many as 100,000 seeds.
3. Most cannabis plants produce a taproot which rarely extends more than one foot. Lateral growth is responsible for most of the roots.
4. Cannabis seeds germinate usually in six or seven days.
5. A plant will average 3/4 of a pound of dried leaves. If picked throughout the growing season, a plant can yield three to four pounds of dried leaves.
6. A plant grown for sinsemilla will average one pound of material.
7. Most drug type cannabis matures at 20-22 weeks from date of planting. Plants should be about 10-12 feet tall at the time.
8. Cannabis is a hardy annual weed. The temperature has to fall below 25 degrees to kill it.
9. Fifty (50) to 60% of a cannabis plant is moisture.
10. One acre of ground contains approximately 5,000 plants if planted three feet apart. (The shape of the plot can increase the number of plants.)
11. One acre of ground can produce 500-600 kilos of dried plant material (clean - no stems).
12. Many indoor growers are using metal Halite lamps - 1,000 watts covers an area of 50 square feet.
13. Only about 13% of a plant's green, wet weight is dried (smokeable) leaves.
14. Depending on the process and type of material used, only 4-15% of a plant's weight, in leaves, can be converted into hashish.
15. Twenty (20) to 28% of a plant's weight in leaves can be converted into hashish oil.

16. One pound of dried cannabis, flowering top (sinsemilla) or "shake" (leaf material) will yield 908, one-half gram marijuana cigarettes.
17. The average period of intoxication following the use of one marijuana cigarette is approximately two hours. However, the residual chemicals remain in the body for a much longer period.
18. Smaller gardens of 10/20/30 plants are often claimed to be for personal use and not commercial cultivation. This is contrary to fact as shown below.

Using the conservative formula of one plant equals one pound of useable material, calculations for court testimony should be as follows:

Example: 10-plant garden = 10 pounds of useable material or 4,540 grams or 9,080 marijuana cigarettes! Again using the average intoxication period of two hours per cigarette, a 10-plant garden would provide 18,160 hours of intoxication.

There are 8,760 hours in one year. Therefore, if one individual grew 10 plants for personal use, processed the marijuana, and began smoking the material at a rate of one (joint) cigarette every two hours, 24 hours a day, 365 days year 'round, he would finish his "personal use" in 756 days or 2.1 years. Twenty (20) plants would be consumed in 4.2 years, 30 plants in 6.3 years and so forth.

Now considering the fact that dried and processed marijuana loses approximately 3-6% of Delta 9 THS every year and is practically nil after the second year no matter how it is preserved or stored, the 10-plant garden for personal use immediately becomes a "myth" as there is no way humanly possible to consume that amount before the product is rendered useless.

10/29/87

Compiled by DEA Special Agent Charles A. Stowell, California State Marijuana Coordinator and Deputy Incident Commander of CAMP.

